

18 APRIL 1947

I N D E X
Of
EXHIBITS

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Friday, 18 April 1947

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INTERNATIONAL MILITARY TRIBUNAL
FOR THE FAR EAST
Court House of the Tribunal
War Ministry Building
Tokyo, Japan

The Tribunal met, pursuant to adjournment,
at 0930.

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Appearances:

For the Tribunal, same as before.

For the Prosecution Section, same as before.

For the Defense Section, same as before.

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(English to Japanese and Japanese
to English interpretation was made by the
Language Section, IMTFE.)

TAKAMURA

DIRECT

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1 MARSHAL OF THE COURT: The International
2 Military Tribunal for the Far East is now in session.

3 THE PRESIDENT: All the accused are present
4 except TOGO and HIRANUMA who the prison surgeon of
5 Sugamo certifies are too ill to attend the trial today.
6 They are represented by counsel. The certificates
7 will be recorded and filed.

8 The commission to take the evidence of the
9 proposed witness ISHIHARA will be taken by the Member
10 from New Zealand, the Honorable Mr. Justice Northcroft.
11 Counsel will approach him in regard to the arrangements.

12 Major Blakeney.

13 I W A O T A K A M U R A, called as a witness on
14 behalf of the defense, resumed the stand and
15 testified through Japanese interpreters as
16 follows:)

17 MR. BLAKENEY: I continue with the testimony
18 of the witness TAKAMURA, defense documents 400 and
19 400-A, exhibits 2440 and 2440-A.

20 I resume reading exhibit 2440 on page 17
21 at (d) Summary.

22 "On reviewing all the results ascertained by
23 the examination outlined above, I am compelled to the
24 conclusion that all the documents under examination
25 are permeated with the common individualistic

TAKAMURA

DIRECT

1 peculiarities of the penmanship of one author, and
2 display no important points of difference whatsoever
3 among themselves. The same latent force of the brush,
4 which is proper to a particular writer, generally
5 pervades all these specimens of handwriting. It is,
6 therefore, my conclusion that the proof is absolute
7 that the documents constituting exhibits 278 and 282 and
8 the Autograph were written by one and the same person.

9 "Attention is called to the fact that some may
10 contend that such common features of penmanship as I
11 have mentioned above may sometimes be found by chance
12 in the hands of two or more persons. Such negative
13 contention is valid only where points of resemblance
14 are few in number, or where one special feature of the
15 many is observed independently of the others. But
16 where there are present in common so many peculiarities
17 in the specimens as in the present case, a negative
18 contention of this sort will not hold good, for it is
19 inconceivable that the handwriting of one person should
20 coincide with that of another in embodying so many
21 similar features.

22 "Some may further argue that the coincidence
23 of common features may be caused by the imitation of
24 handwriting by a forger who has studied the handwriting
25 of another person. It is true that among forgers are

some who excel in the imitation of the penmanship of others. Resemblance, however, is revealed in the structural features such as distance between strokes, inclination or the length of strokes. The similarity in the appearance of form, however, is not accompanied by the sameness of force. Moreover, it is impossible to imitate the delicacy of latent individuality of handwriting in the initial touch, the ending of a stroke and in the drawing of a line. A minute examination of such handwriting will be sure to discover unnatural points.

"The penmanship of exhibit 278 being extremely natural in the operation of the brush, it is clear that there is no forgery in it.

"In view of the accumulation of decisively peculiar features of penmanship common to all documents under examination, as above pointed out, and the conspicuous absence of any important differences, I am fully convinced of all the documents under examination being written by one and the same person."

From exhibit 2440-A I shall read only the first two numbered paragraphs in view of the fact that the remainder has a considerable admixture of ideographs which I have been directed not to read. I want to commence at the top of page 2.

TAKAMURA

DIRECT

1 "I, TAKAMURA Iwao, expert for identifying
2 handwriting on behalf of the defense counsel of the
3 International Military Tribunal for the Far East, recog-
4 nizing the disagreement with the expert opinion ex-
5 pressed on 10 December 1946 by Chang Feng-chu,
6 specilaist for identifying handwriting on behalf of the
7 prosecution, upon examination of the opinion presented
8 in writing by Chang Feng-chu, find the basis of his
9 argument is weak and erroneous, which I shall point
10 out, and state my opinion as below.

11 "1. Under the paragraph "'Spirit and Air
12 in the Handwriting,'" the two documents were determined
13 to have been written by different persons for the
14 reason that "'Pu-Yi's handwriting is heavy and clumsy,
15 while the document in question is thin and flighty.'"
16 As regards the difference between thin and heavy
17 writings, in case of handwriting by a brush, a heavy
18 writing is produced when a brush absorbs India ink freely
19 and pressure is exerted thereon, while the release of
20 pressure produces a thin writing, even when written by
21 one and the same person. This is in the natural course,
22 and it is entirely wrong to accept thinness or heaviness
23 of penmanship as the basis of judgment for identity or
24 difference of handwritings.

25 "2. Under the paragraph "'Style of the

1 Handwriting," Mr. Chang states that. "the fact that
2 the one is written in the 'intermediate style' while
3 the other is in the 'square style' does not prevent
4 an adequate comparison for the purpose of determining
5 the genuineness of the questioned letter." Mr. Chang,
6 however, does not give any concrete explanation thereon,
7 and states that the 'intermediate style' is definitely
8 poor and that, comparing it with a letter addressed to
9 General MINAMI, the letter was written clearly by a
10 different person.

11 "Mr. Chang only recognized the clumsiness of
12 the 'intermediate style' of Pu-Yi's handwriting, and
13 overlooked the points intentionally drawn, unnaturally,
14 and totally ignored the latent individuality common to
15 both handwritings.

16 "To point out the latent individuality common
17 to both Pu-Yi's handwriting and the letter addressed to
18 General MINAMI, a common point can be noted in the com-
19 mencement of the upper right vertical line of the body
20 of the ideograph 謀. More particularly, in the com-
21 mencement of the upper right vertical line of the body,
22 the line was drawn thin from the lefthand side toward
23 the righthand side extending to the lower part (vide
24 Figure 27, marked with an arrow).
25

"Mr. Chang stated that Pu-Yi "put some effort

1 to learn to write both small and large characters in
2 the 'square style,' he is definitely weak in the
3 'intermediate style' of penmanship." Pu-Yi, however,
4 admitted as his own the handwriting beautifully written
5 on the fan."

6 As regards the remainder of the document I
7 wish to call the particular attention of the Tribunal,
8 without reading it, to paragraph 4 thereof.

9 And I wish to re-emphasize that since prose-
10 cution exhibit in question, exhibit 2176, was read
11 into the transcript in full, I repeat that we do rely
12 on the entirety of these documents, including the
13 reasoning thereof.

14 If you care to cross-examine.

15 THE PRESIDENT: Brigadier Nolan.

16 BRIGADIER NOLAN: May it please the Tribunal,
17 there will be no cross-examination.

18 MR. BLAKENEY: I ask that the witness be excused
19 on the usual terms.

20 THE PRESIDENT: The witness is excused on the
21 usual terms.

22 (Whereupon, the witness was excused.)

23 MR. BLAKENEY: In connection with the same
24 point, I call the witness NANAMI Toshio, who will
25 testify by defense document No. 888.

1 T O S H I O N A N A M I, called as a witness on
2 behalf of the defense, being first duly sworn,
3 testified through Japanese interpreters as
4 follows:)

5 DIRECT EXAMINATION

6 BY MR. BLAKENEY:

7 Q The witness will please state his name and
8 residence.

9 A NANAMI Toshio, No. 989 West Haza, Sagara-Machi,
10 Haibara-Gun, Shizuoka Prefecture.

11 MR. BLAKENEY: I ask that he be handed defense
12 document No. 888.

13 (Whereupon, a document was handed to the
14 witness.)

15 Q Kindly examine that document, Mr. Witness, and
16 state whether it is your affidavit supported by your
17 signature and seal.

18 A This is my affidavit. But the eighth year of
19 Showa is 1933, but it says that it is, in here, 1932.

20 Q Aside from that correction is the affidavit
21 true and correct?

22 A Correct, sir.

23 Q Where is that one mistake, Mr. Witness?

24 A Second paragraph, second line. Where it says
25 "December 26th, 1932" that should read 1933.

NANAMI

DIRECT

1 MR. BLAKENEY: Defense document No. 888 is
2 offered in evidence.

3 THE PRESIDENT: Admitted on the usual terms.

4 CLERK OF THE COURT: Defense document No. 888
5 will receive exhibit No. 2441.

6 (Whereupon, the document above re-
7 ferred to was marked defense exhibit No. 2441,
8 and received in evidence.)
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NANAMI

DIRECT

1 MR. BLAKENEY: I shall read it.

2 "1. I was born on June 6th, 1894 at
3 Maebashi-City, Gunma Prefecture, and am now living
4 at No. 989, Namitsu-Nishicho, Sagara-Machi,
5 Haibara-Gun, Shizuoka Prefecture.

6 "2. I was appointed an aide-de-camp to
7 General MINAMI on December 26th, 1933. At that time
8 General MINAMI was a Military Councillor, and I was
9 captain. On December 10th, 1934, when General MINAMI
10 was appointed Commander-in-Chief of the Kwantung Army,
11 I was a major and accompanied him to Manchoukuo as an
12 aide-de-camp, which post I held until March 6th, 1936,
13 when General MINAMI resigned from his post as Commander-
14 in-Chief of the Kwantung Army and returned to Japan.
15 I was a Colonel when the Pacific War came to an end.

16 "3. On April 2nd, 1934 General MINAMI called
17 on the special envoys from Manchoukuo, Mr. Cheng Hsiao-
18 Hsu and Mr. Hsi Hsia who were on an official trip to
19 Japan and were staying at the Imperial Hotel. His visit
20 way to pay a return call to the envoys who had called on
21 the General at his residence whilst he was absent. I
22 accompanied the General as usual and was able to meet
23 the envoys. On that occasion, General MINAMI took with
24 him a letter that had been sent to him by Pu-Yi in 1931
25 when the General was Minister of War and asked Mr. Cheng

NANAMI

DIRECT

1 Hsiao-Hsu to judge whether it was the true handwriting
2 of Pu-Yi or not. After looking at it earnestly,
3 Mr. Cheng assured that it was his true handwriting.
4 General MINAMI asked him to write a certificate for
5 it before he took leave of Mr. Cheng.

6 "4. On the next day, April 3rd, (February
7 20th of the Lunar calendar) at about one o'clock in
8 the afternoon, I again called on Mr. Cheng at the
9 Imperial Hotel to receive the above letter by order
10 of General MINAMI. (It was written on a piece of
11 Yellow Silk cloth.) Mr. Cheng was waiting for my
12 call, took out the letter which had been left with
13 him previously and solemnly wrote in my presence at
14 the end of the letter, 'The Emperor's own handwriting'
15 and signed 'February 20th, 1934,' 'Cheng Hsiao-Hsu,'
16 and he carefully handed it to me. I therefore
17 received it and returned it to General MINAMI."

18 You may cross-examine.

19 THE PRESIDENT: Brigadier Nolan.

20 BRIGADIER NOLAN: May it please the Tribunal,
21 there will be no cross-examination by the prosecution.

22 MR. BLAKENEY: I ask the witness be released
23 on the usual terms.

24 THE PRESIDENT: He is at liberty on the
25 usual terms.

1 (Whereupon, the witness was excused.)

2 MR. BLAKENEY: Although the letter in question
3 is in evidence as prosecution exhibit No. 278, it is
4 in the Chinese original only; and in view of some
5 slight confusion in the record where a translation
6 is in evidence, I wish to offer in evidence defense
7 document No. 28, being an English translation of
8 exhibit No. 278.

9 THE PRESIDENT: Admitted on the usual terms.

10 CLERK OF THE COURT: Defense document 28
11 will receive exhibit No. 2442.

12 MR. COMYNS CARR: I might say that to avoid
13 confusion it should have the same number as the
14 original document, or 278-A, something of that kind.
15 Otherwise it is difficult to link up the two docu-
16 ments by the numbering.

17 THE PRESIDENT: Mark it exhibit 278-A if
18 that is not already allotted.

19 MR. COMYNS CARR: And I am asked to request
20 that the translation be referred to the language
21 section as there seem to be inaccuracies in it.

22 THE PRESIDENT: We have no Chinese language
23 section. I understand the original is in Chinese. I
24 think you had better read it carefully or get it read
25 by a Chinese linguist and then give evidence in

1 rebuttal, if necessary.

2 MR. COMYNS CARR: If your Honor pleases,
3 we will do that.

4 CLERK OF THE COURT: Defense document No. 28,
5 being the English translation of court exhibit No. 278,
6 and submitted by the defense, will be given exhibit
7 No. 278-A.

8 (Whereupon, the document above
9 referred to was marked defense exhibit
10 No. 278-A and received in evidence.)

11 MR. BLAKENEY: I read the exhibit.

12 "Letter from Pu-Yi to Gen. MINAMI.

13 "The Government of the Chinese Republic, by
14 adopting wrong measures in regard to the recent inci-
15 dent in the Eastern Provinces has opened hostilities
16 against a friendly country, victimizing many people,
17 on whom we take great pity. Hence, we dispatch
18 TOYAMA, Takeo, tutor of the Royal Household, to Japan
19 to give our regards and convey our message of sympathy
20 to the War Minister, General MINAMI.

21 "To our regret, twenty long years have
22 elapsed since our dynasty, not having the heart to
23 witness the misery of the people, turned over the
24 reigns of government to the HAN race. It was not
25 the wish of our dynasty that the chaos should increase

1 with the passage of time.

2 "In order to establish stability in East
3 Asia, it is imperative for China and Japan to colla-
4 borate and assume in common this responsibility. If
5 we should be half-hearted in our attempts to remove
6 the obstacles confronting us, no end of alarming events
7 would arise to deprive us of the enjoyment of peace.
8 As a result, such a state of affairs will surely
9 bring the Communists into a position of influence,
10 and the evils arising therefrom will be of perpetual
11 nature. So day and night we feel grave concern for
12 this situation. We are at present faced with many
13 difficult problems and greater difficulties are in
14 store for the future.

15 "Consequently, we hope that we and our peoples
16 will unite and strive to cope with the situation."

17 There follows the date and authentication.

18 The Tribunal will remember that in cross-
19 examination the witness Pu-Yi was confronted with
20 certain statements which he was alleged to have made
21 to H. G. W. Woodhead. Mr. Woodhead has been sub-
22 poenaed as a defense witness, but no return of service
23 has ever been made and we have been unable to locate
24 him by other means.

25 With the Tribunal's permission, we shall

1 therefore tender in evidence the book from which the
2 report of Mr. Woodhead was taken, "Adventures in Far
3 Eastern Journalism," for identification.

4 THE PRESIDENT: Brigadier Nolan.

5 BRIGADIER NOLAN: May it please the Tribunal,
6 this is another attempt on the part of the defense to
7 put into evidence an excerpt from a book. The prosecu-
8 tion objects to this excerpt upon the same grounds as
9 have been consistently urged against writings of this
10 kind.

11 THE PRESIDENT: Consistently, but not always
12 successfully.

13 BRIGADIER NOLAN: The author of this book is,
14 as he describes himself, a journalist, who, by setting
15 out his own particular views and opinions, endeavors to
16 attract a large circle of readers.

17 As has been mentioned, an excerpt from this
18 book was made the subject of cross-examination earlier
19 in this trial. The witness who was being cross-examined
20 told the Tribunal that he did not remember making such
21 statements, but that if he did it should be regarded
22 as a kind of counter-propaganda. In the submission
23 of the prosecution, oral testimony of that nature cannot
24 be answered by an excerpt from a book.

25 THE PRESIDENT: As in the case of the excerpt

1 from Mr. Powell's book, I will take the views of
2 my colleagues.

3 MR. BLAKENEY: May I be heard on the point
4 before you do so, your Honor?

5 The excerpts from Mr. Powell's book were
6 in some instances excluded on the grounds that they
7 were statements of opinion. No such contention is or
8 can be made in reference to the bulk of the excerpt now
9 under discussion.

10 In any event, we have no interest in
11 Mr. Woodhead's opinions. We have an interest only
12 in impeaching the witness by directly contradictory
13 statements of Mr. Woodhead. Since they are offered
14 in the form of a book instead of by testimony from
15 the witness box, of course they constitute hearsay,
16 but I think the objection on that ground would come a
17 little late at this stage.

18 It is true that the witness Pu-Yi made
19 substantially the statement attributed to him by
20 Brigadier Nolan. But if we look at page 4,135 of the
21 record, we find that he also stated that he had no
22 opportunity for an exclusive private interview with
23 Mr. Woodhead. The excerpt now under consideration
24 impeaches him directly on that point.

25 And, finally, I might point out that on

1 page 4,111 of the record the Tribunal specifically
2 directed that this book be tendered in evidence,
3 saying, "We want the book tendered. We want it in
4 evidence. We want to see it."

5 It is therefore submitted that in any view of
6 the matter the excerpt from Mr. Woodhead's book should
7 be admissible.

8 THE PRESIDENT: Just what steps have you taken
9 to get Woodhead as a witness?

10 MR. BLAKENEY: We have applied for, been
11 authorized, and issued a subpoena, which we have sent
12 off, if I may say so, in the hope that he was where we
13 thought he was. I have inquired among all classes of
14 people whom I thought likely to know of his whereabouts --
15 and as yet vainly -- for recent knowledge, postwar
16 knowledge, information, of his whereabouts. I
17 requested our investigating officer who made a trip
18 to China to attempt to ascertain his whereabouts, but
19 had no report therefrom.

20 THE PRESIDENT: Did you make any endeavor
21 through the publishers?

22 MR. BLAKENEY: No, sir, not if you mean the
23 publisher of this book. The publisher of this book was
24 in Kanda Ward of Tokyo and burned out.

25 THE PRESIDENT: Well, is that all you can tell

1 us about your efforts to get Woodhead?

2 MR. BLAKENEY: I might add only this, that we
3 had assumed, after the prosecution had run its course,
4 that we would not be faced with any objection to the
5 introduction even of affidavits of absent witnesses
6 which we were met with. Therefore, I will have to
7 confess that I devoted a good deal more attention to
8 the relevance of the evidence than I did to its form;
9 in other words, to the question of admissibility,
10 rather than to that of weight.

11 THE PRESIDENT: By a majority, the Court
12 rejects the excerpt and upholds the objection.

13 MR. BLAKENEY: Since the excerpt has not been
14 formally tendered, I now make the tender of the excerpt
15 constituting defense document No. 896, already rejected.

16 THE PRESIDENT: It is formally rejected.
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1 MR. BLAKENEY: I should like to ask leave
2 if Mr. Woodhead's attendance can be secured at a
3 later date to present him at such time as he can be
4 secured.

5 THE PRESIDENT: We notice he is a Commander
6 of the British Empire. Such a man should be easy to
7 trace. We will always be prepared to hear him.

8 MR. BLAKENEY: We will attempt further to
9 secure his attendance.

10 For the same purpose I offer in evidence an
11 excerpt from the book "Twilight in the Forbidden City" by
12 Sir Reginald F. Johnston. Since Sir Reginald is dead
13 his book is the best evidence available, and it is
14 tendered for identification and the excerpt, defense
15 document No. 1007, is offered in evidence.

16 THE PRESIDENT: Brigadier Nolan.

17 BRIGADIER NOLAN: May it please the Tribunal,
18 the prosecution objects to this excerpt from this
19 book being placed in evidence. In my submission the
20 excerpt contains nothing but the opinion of the
21 author on several matters. He tells us that a certain
22 kidnapping story is wholly untrue and that the report
23 that an individual sought sanctuary from Chiang
24 Kai-shek is false; and finally, that the individual
25 mentioned in the excerpt proceeded to Manchuria of his

1 own free will. In our submission these are matters
2 solely for the determination of this Tribunal and the
3 excerpt should be excluded as containing only opinion.

4 THE PRESIDENT: Do you wish to say anything,
5 Major Blakeney?

6 MR. BLAKENEY: Yes, your Honor. I should
7 like to point out two things: that to the extent
8 that the quotation from Sir Reginald is opinion, it
9 is the opinion of a scholar and historian of recognized
10 standing and of whose standing, by the way, there is
11 evidence in this record. See page 3825 of the tran-
12 script. The opinions, if we choose to call them such,
13 of historians are normally considered acceptable
14 evidence. Secondly, the Tribunal will remember that
15 after considerable debate on the matter it granted
16 permission for the putting to the witness Pu-Yi of
17 statements from this book. The witness denied the
18 making of some of those statements attributed to him
19 and especially denied that Sir Reginald had advance
20 knowledge of his plans in connection with his return
21 to Manchuria. This excerpt as submitted shows that
22 such prior knowledge was had and from the witness
23 himself. That is all I have to say.

24 THE PRESIDENT: The excerpt is rejected and
25 the objection upheld by a majority.

1 MR. BLAKENEY: On the question of religion
2 in Manchukuo I offer in evidence defense document
3 No. 315, an official record of the Foreign Ministry
4 in connection with the establishment of the National
5 Foundation Shrine of Manchukuo.

6 BRIGADIER NOLAN: May it please the Tribunal,
7 this curious document purports to be an official
8 copy -- or a correct copy -- of an official document
9 in the custody of the Foreign Office and there is
10 nothing to indicate who made this document and in my
11 submission the Tribunal is entitled to know how a
12 document came into existence before it can be accepted
13 in evidence.

14 MR. BLAKENEY: I suppose it hardly need be
15 pointed out to the Tribunal that during the progress
16 of the prosecution case there was a literal avalanche
17 of documents which did not show by whom they were
18 prepared other than that they were found in the custody
19 of various ministries of state, to which objections
20 were in many, many instances duly made and overruled.

21 THE PRESIDENT: They were regarded as admissions
22 by the enemy from enemy sources in the highest official
23 categories. However, this document may be admissible,
24 Major Blakeney. The only question is what weight it
25 has. I notice that statements in it are attributed

1 to high officials. We are inclined to admit it,
2 Major Blakeney, but we would like you to assure us
3 that it has some value which is not yet apparent on
4 its face, apart from the weight it gets from those
5 names that are mentioned.

6 It is admitted on the usual terms.

7 CLERK OF THE COURT: Defense document No. 315
8 will receive exhibit No. 2442.

9 (Whereupon, the document above
10 referred to was marked defense document
11 No. 2442 and received in evidence.)

12 MR. BLAKENEY: I did not quite understand
13 whether the Tribunal was asking me to show what value
14 it has or directing me to do something further in
15 connection with the document.

16 THE PRESIDENT: We would be glad to receive
17 from you any argument that it has weight for any
18 particular reason.

19 MR. BLAKENEY: My position is that its weight
20 is such as attaches to the official records of the
21 Ministry of State, in this case the Foreign Ministry,
22 of the matter concerned. The practice of making and
23 filing memoranda of such matters is one common to
24 all ministries, I assume, and many of them have already
25 been received in evidence as representing the official

1 view of the ministry. However, I am quite frank to
2 say that since we have a witness on this point its
3 value is less than it might otherwise be, being only
4 corroborative, and I will be glad to pass it without
5 reading it if the Tribunal prefers.

6 THE PRESIDENT: One Member of the Tribunal
7 would like to know how it is relevant and there may
8 be others taking the same view.

9 MR. BLAKENEY: It is relevant as denying the
10 evidence, as contradicting the evidence of Pu-Yi, see
11 record pages 4006 and 4014-4017 especially, that the
12 so-called National Foundation Shrine of Manchukuo was
13 erected under Japanese compulsion.

14 THE PRESIDENT: It is admitted now.

15 MR. BLAKENEY: What is your Honor's pleasure?
16 Shall I read it?

17 THE PRESIDENT: We will leave that to you,
18 Major Blakeney.

19 MR. BLAKENEY: I omit the reading.

20 I now call as a witness Colonel KAGOSHIMA,
21 referred to in the last exhibit, whose testimony is
22 defense document No. 976.
23
24
25

1 T O R A O K A G O S H I M A, called as a witness
2 on behalf of the defense, being first duly sworn,
3 testified through Japanese interpreters as follows:

DIRECT EXAMINATION

BY MR. BLAKENEY:

4
5
6 Q Mr. Witness, please state your name and
7 residence.

8 A My name: KAGOSHIMA, Torao. My address:
9 896 3-Chome, Kamiuna-machi, Setagaya-ku, Tokyo.

10 Q I ask that you look at defense document
11 No. 976 which will be handed to you and state whether
12 that is your affidavit given under your signature and
13 seal.

14 A This is my affidavit.

15 Q Are the contents thereof true and correct?

16 A Yes, true.

17 MR. BLAKENEY: I offer in evidence the
18 affidavit, defense document No. 976.

19 THE PRESIDENT: Admitted on the usual terms.

20 CLERK OF THE COURT: Defense document No. 976
21 will receive exhibit No. 2443.

22 (Whereupon, the document above
23 referred to was marked defense exhibit
24 No. 2443 and received in evidence.)

25 MR. BLAKENEY: I read the affidavit:

1 "I am KAGOSHIMA, Torao. I was vice-
2 director of the Imperial Household Ministry of
3 Manchoukuo from June 1939 to June 1943, and later
4 served as a member of the Manchoukuo State Council.

5 "As vice-director of the Imperial House-
6 hold Ministry I was close to the Emperor of Man-
7 choukuo, and particularly am well acquainted with
8 the circumstances of the establishment of the
9 Kenkoku Shrine, concerning which I shall testify
10 herein.

11 "The idea of enshrining the Goddess
12 Amaterasu in Manchoukuo originated with the
13 Emperor at the time that the establishment of a
14 'National Foundation Shrine' was under considera-
15 tion. Lieutenant-General YOSHIOKA of the Kwantung
16 Army and I were accordingly sent to Tokyo in
17 March 1940 to request of the Japanese Imperial
18 Household Ministry and the Japanese Government
19 that permission be given by the Emperor of Japan
20 for importing the spirit of the Goddess to Man-
21 choukuo. Though this strong desire of the Emperor
22 of Manchoukuo was, after considerable debate,
23 finally acceded to, as was the proposal of making
24 Amaterasu the main diety of Manchoukuo, agreement
25 was refused to the request that the Emperor of

KOGOSHIMA

DIRECT

1 Japan should play any part in the plan.

2 "After consideration it was decided that
3 a mirror should be made in Manchoukuo and taken
4 to the Grand Shrine of Ise by the Emperor of
5 Manchoukuo when he visited Japan; that the mirror
6 should be set in the Kagura Hall of the Shrine
7 and sacred music played; and that it would then
8 be taken back to Manchoukuo for enshrinement as
9 the spirit of the Kenkoku Shrine. This was sub-
10 sequently done. It was also agreed that the
11 Emperor of Manchoukuo should choose, from among
12 the presents to be given to him by the Emperor of
13 Japan, one which he would make the sacred treasure
14 for Shrine; accordingly, a sword presented by the
15 Japanese Emperor was subsequently so used. There
16 was no question of the Japanese' forcing upon us
17 Shinto, Amaterasu or the treasures for the Shrine;
18 rather, it was only by reason of the strong repre-
19 sentations of the Manchoukuoan officials that the
20 Japanese agreed to this course of action.

21 "After the return to Manchoukuo of the
22 Emperor, there were established two shrines. The
23 first of these was the Kenkoku Shrine, which was
24 erected within the Imperial Palace grounds and
25 was exclusively for Imperial use. The general

1 public was not allowed admission to the Shrine,
2 and it was used only by the Emperor in perform-
3 ing his own devotions. Although the Emperor was
4 a buddhist, he considered worship at the Kenkoku
5 Shrine to be a form of ancestor worship, and he
6 worshipped at the Shrine with the deepest
7 reverence. Thus, he personally attended the
8 minor ceremonies held on the first day of each
9 month, although ritual required him only to send
10 a representative; he always personally wrote the
11 ceremonial letters when he paid his respects at
12 the Shrine; even in the coldest weather he refused
13 to wear a coat when worshipping at the Shrine.
14 When the construction of a torii, or symbolic
15 gateway, was being planned for the Shrine, he
16 insisted that it be made large enough to be
17 visible from his private room, which was done
18 in spite of the torii's being disproportionately
19 large for the Shrine itself. The other shrine
20 established under Shinto ritual was the Chureibyo
21 in Hsinking, which was modeled on the Yasakuni
22 Shrine of Tokyo, in commemoration of war dead.

23 "A Board of Ritual (Saishifu) was es-
24 tablished to care for these two shrines only, but
25 no attempt was ever made to institute Shinto as

1 public was not allowed admission to the Shrine,
2 and it was used only by the Emperor in perform-
3 ing his own devotions. Although the Emperor was
4 a buddhist, he considered worship at the Kenkoku
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17 visible from his private room, which was done
18 in spite of the torii's being disproportionately
19 large for the Shrine itself. The other shrine
20 established under Shinto ritual was the Chureibyo
21 in Hsinking, which was modeled on the Yasakuni
22 Shrine of Tokyo, in commemoration of war dead.

23 "A Board of Ritual (Saishifu) was es-
24 tablished to care for these two shrines only, but
25 no attempt was ever made to institute Shinto as

1 the state religion or to compel adherence to it
2 by the population at large, by officials or others;
3 neither at the time of the establishment of the
4 Kenkoku Shrine nor at any other time was any law
5 enacted abridging freedom of religious belief.
6 The statements by the former Emperor of Manchoukuo
7 to the effect that military and civilian officials
8 of Manchoukuo were compelled to erect and worship
9 at Shinto shrines, that punishment by confinement
10 for more than a year was ordered to be imposed upon
11 persons showing disrespect to Shinto, and that the
12 inhabitants of Manchoukuo were compelled to
13 'worship the Japanese Emperor,' are completely
14 without basis in fact. Religious belief in Man-
15 choukuo was completely free. The Emperor himself
16 and many of the high government officials were
17 Buddhists or Taoists; the concubine of the Emperor
18 who died was given a Buddhist funeral; Prime
19 Minister Chang himself brought to Manchoukuo a
20 relic of Buddha and established a Buddhist shrine."

21 You may cross-examine.

22 THE PRESIDENT: Brigadier Nolan.

23 BRIGADIER NOLAN: Your Honor, there will
24 be no cross-examination by the prosecution.

25 MR. BLAKENEY: We ask that the witness be

1 excused on the usual terms.

2 THE PRESIDENT: He is released accordingly.

3 (Whereupon, the witness was
4 excused.)

5 MR. BLAKENEY: Finally, on the question
6 of religion, I offer in evidence defense document
7 No. 637-G, being an excerpt from the Manchoukuo
8 Year Book giving statistics of religious sects.

9 THE PRESIDENT: On this question of reli-
10 gion, Major Blakeney, the Members of the Court are
11 not quite clear. Do you take the prosecution to
12 have suggested that part of Japan's aggression was
13 to set up puppets and part of the puppetry was the
14 setting up of religion -- Shintoism?

15 MR. BLAKENEY: Since I am asked, I believe
16 the prosecution's contention I can best answer by
17 reading the statement by Mr. Keenan on this point.
18 Questions to the witness Pu-Yi on the matter of
19 religion were objected to by Mr. Logan -- I refer
20 to page 4006 of the record -- to which the Chief
21 Prosecutor gave answer as follows:

22 "With respect to the relevancy, with
23 great earnestness we would point out to the Court
24 that we believe this to be a most vital part of
25 the prosecution's case for the reasons that I will

1 state very briefly. We are prepared, if the
2 Court please, to show through this witness that
3 the Japanese war leaders planned the spread of
4 the Shinto religion beyond the confines of Japan
5 and intended to carry it out throughout China
6 and as far as they could in Asia and that it
7 was not merely control of religion as such, but
8 was intended to control the minds, the souls, the
9 wishes, the movements of the people, through the
10 continuance of the Shinto system so that when
11 these war leaders themselves were carrying on
12 their plans of aggression to control the people
13 that they would continue to use in China and
14 other parts of Asia the name of the Emperor and
15 the power of the religious impulse and conviction
16 to carry into effect their aggressive, warlike
17 aims through the symbolism of the Emperor acting
18 as the direct descendant of the Sun Goddess."

19 The ruling of the Tribunal was at that
20 point: "It is relevant to the issue of aggressive
21 war and the Tribunal thinks it is admissible."
22

23 THE PRESIDENT: We will recess for
24 fifteen minutes.

25 (Whereupon, at 1045, a recess
was taken until 1100, after which the
proceedings were resumed as follows:)

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1 MARSHAL OF THE COURT: The International
2 Military Tribunal for the Far East is now resumed.

3 THE PRESIDENT: Brigadier Nolan.

4 BRIGADIER NOLAN: May it please the Tribunal,
5 the evidence that has been read with respect to the
6 introduction of Shinto worship, including that of the
7 last witness, is in my submission, or makes it, in my
8 submission, abundantly clear that that introduction
9 dated only from 1940. In my submission this document
10 purporting to be statistics of religious parties at
11 the end of 1938 can have no relevancy.

12 THE PRESIDENT: Major Blakeney.

13 MR. BLAKENEY: It is true that the evidence
14 which is introduced relates to 1940, but my recollec-
15 tion is -- I haven't had time to search the entire
16 record -- that other evidence related to so-called
17 religious aggression or penetration at an earlier date.
18 If I am mistaken, then, of course, I must agree that
19 figures as of 1938 are irrelevant. I might suggest
20 that in the way which has been often taken in the past
21 the evidence be admitted subject to connection by the
22 record in that respect.

23 THE PRESIDENT: The state of religion in 1938
24 appears to have no bearing in any case.

25 MR. BLAKENEY: If the residents of Manchukuo

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2 Military Tribunal for the Far East is now resumed.

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17 religious aggression or penetration at an earlier date.
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19 figures as of 1938 are irrelevant. I might suggest
20 that in the way which has been often taken in the past
21 the evidence be admitted subject to connection by the
22 record in that respect.

23 THE PRESIDENT: The state of religion in 1938
24 appears to have no bearing in any case.

25 MR. BLAKENEY: If the residents of Manchukuo

1 were compelled to profess the Shinto religion at some
2 date, then the statistics as of some later date, it is
3 submitted, would have relevance as showing to what
4 extent that compulsion or profession of religion
5 existed.

6 THE PRESIDENT: Japan's attempts to establish
7 Shintoism is relevant to the issue of aggression, but
8 the success or failure of the attempts is not relevant
9 to the issue. I am referred to section 12 of
10 Appendix D which reads: "Failure to respect family
11 honor and rights of individual life, private property
12 and religious convictions and worship in occupied
13 territories," and so forth.

14 MR. BLAKENEY: These statistics, then, of
15 the Manchukuo Government would have probative value
16 on the question of whether there was religious freedom
17 in Manchukuo, allegedly Japanese dominated, or whether
18 Japanese forms of worship were forced upon the people.

19 THE PRESIDENT: I don't recollect one line of
20 evidence that Shintoism was enforced on anybody.

21 MR. BLAKENEY: There are a good many pages
22 to that effect. I might refer to page 4014 and 4015
23 of the transcript which, in the interest of saving
24 time, I will paraphrase by saying that Pu-Yi testified
25 that the Chinese people, army, civilians, officials,

1 and school children were required to set up temples
2 to and worship Shinto, that the practice of Shinto
3 was entirely compulsory.

4 THE PRESIDENT: Well, if he said that I am
5 wrong and this exhibit may well be relevant. It is
6 admitted on the usual terms.

7 MR. BLAKENEY: May I call attention to the
8 fact that I inadvertently failed to offer the book,
9 No. 637, for identification before offering the
10 excerpt in evidence.

11 CLERK OF THE COURT: Defense document
12 No. 637, to-wit, a book entitled "Manchukuo Year
13 Book 1942," will receive exhibit No. 2444 for
14 identification only, and the excerpt therefrom,
15 designated as defense document No. 637-G will receive
16 exhibit 2444A.

17 (Whereupon, the documents above
18 referred to were marked defense exhibit
19 No. 2444 for identification, and exhibit
20 No. 2444-A in evidence, respectively.)

21 MR. BLAKENEY: I shall read from the beginning
22 through the table:

23 "Religion.

24 "The religions in Manchuria can be divided
25 conveniently into two groups: the native Chinese

1 religions, and those brought into the country from
2 Japan and other foreign countries. The native
3 religions possess a highly complicated nature, and are
4 composed of Buddhism, Taoism, Confucianism, Mohem-
5 medism, Lamaism, etc., all having long histories. These
6 religions are closely related racially, socially,
7 politically, and educationally. In recent decades
8 many foreign religions have found their way into
9 Manchuria, the more important of them being the
10 Japanese religions and Christianity.

11 "The number of religious temples and followers
12 by religions for the latest year available are shown
13 below:

14 "Table 12. Statistics of Religious Parties
15 (end of 1938)."

16 I shall abbreviate this to reading the total
17 number of followers of each religion.

18 "Buddhism, 1,768,000 and a fraction;
19 Taoism, 939,000; Lamaism, 832,000; Mahammedanism,
20 162,000; Roman Catholic, 127,000; Other Christian
21 Sects, 122,000; other Sects, 74,000."

22 I read only that.
23
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ISHIMARU

DIRECT

1 MR. BLAKENEY: My last bit of evidence on
2 the question raised by the testimony of the ex-emperor
3 will be the testimony of ISHIMARU, Shizuma, whom I
4 now call. His evidence is recorded in defense
5 document 975.

6 - - -

7 S H I Z U M A I S H I M A R U, called as a wit-
8 ness on behalf of the defense, being first duly
9 sworn, testified through Japanese interpreters
10 as follows:

11 DIRECT EXAMINATION

12 BY MR. BLAKENEY:

13 Q Mr. Witness, will you please state your
14 name and place of residence?

15 A Unane-Cho, Setagaya-Ku, Tokyo. My name is
16 ISHIMARU, Shizuma.

17 Q I ask you to look at defense document
18 No. 975, which is being handed to you, and state
19 whether that is the affidavit made, signed, and
20 sealed by you.

21 A This is correct.

22 Q And are the statements contained therein
23 true and correct?
24

25 A It contains the truth.

1 MR. BLAKENEY: I now offer in evidence
2 the affidavit defense document 975.

3 THE PRESIDENT: Brigadier Quilliam.

4 BRIGADIER QUILLIAM: May it please the
5 Tribunal, the prosecution objects to eight of the
6 eleven pages of this affidavit on the ground that
7 it does not comply with the principles laid down
8 by the Tribunal for the preparation of such docu-
9 ments. No objection is offered to page 1 of the
10 document, or to the middle of page 2.

11 From the middle of page 2 to the bottom
12 of page 3 is to be found a detailed account indicat-
13 ing the difficulty which the witness had to make up
14 his mind to accept his appointment. Finally he was
15 influenced by a passage in a book, and accepted.
16 In our submission, in a trial of this magnitude
17 such personal reminiscences are irrelevant and should
18 be struck out.

19 The prosecution makes no objection to
20 page 4 and on to the middle of page 5. We do
21 object to the introduction of the Imperial speech
22 on page 5. The original is not accounted for and
23 the copy of the text in the possession of the depon-
24 ent is not exhibited.

25 The prosecution makes no objection to the

ISHIMARU

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1 first full paragraph on page 6, but objects to all
2 of paragraph 3, which begins in the middle of page
3 6 and runs to the top of page 10. Those pages con-
4 sist largely in an excerpt from an article written
5 by Sir Reginald Johnston which appeared in the
6 "National Review." Sir Reginald found it was an
7 inconsistent fiction, the rumor that P'u-yi was
8 compelled to take the host in Manchuria and states
9 that it proved to be all fiction that Emperor P'u-yi
10 was a puppet. In our submission all of this ex-
11cerpt is objectionable on the ground that it ex-
12presses a mere opinion of the writer.

13 The prosecution does not object to the
14 second paragraph on page 10, but does object to para-
15graph 4, which runs to the end of the affidavit,
16 on the ground that it attempts to place in evidence
17 an alleged interview with a newspaper editor, and
18 that that is not the proper manner to prove such
19 interview, if such took place.

20 I ask the Tribunal to strike out of this
21 affidavit those portions to which I have made objec-
22tion.

23 THE PRESIDENT: What other way would you
24 prove an interview but by the evidence of the person
25

TESTIMONY

DIRECT

1 who was present at it? Was the deponent present at
2 this interview?

3 BRIGADIER QUILLIAM: It does not indicate,
4 your Honor, that he was present.
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THE PRESIDENT: Major Blakeney.

1 MR. BLAKENEY: I may say that, in connection
2 with pages 2 and 3, I had not proposed reading the
3 part objected to by the prosecution. In connection
4 with the book by SAIGO, I agree that it is a personal
5 matter which has no place here. In connection with
6 the Imperial speech on pages 5 and 6, I have not
7 proposed to read the speech. I am, therefore, quite
8 willing that those passages be stricken, if that is
9 preferable.

10 THE PRESIDENT: What about the excerpt from
11 Johnston's book?

12 MR. BLAKENEY: Those are offered, of
13 course, not for Johnston's opinions, but for the
14 statements of fact appearing therein, a few of which
15 I will point out. On page 7, the beginning of the
16 second paragraph, he states the fact that the ex-
17 Emperor directed him to visit Manchukuo in 1931.

18 THE PRESIDENT: If that excerpt were ten-
19 dered independently, I have reason to think that it
20 would be rejected by a large majority.

21 MR. BLAKENEY: I have no additional argu-
22 ment to make on that point. This affidavit, of
23 course, was drawn and prepared before we knew what
24 the ruling would be on the matter of Sir Reginald's
25

1 writings.

2 THE PRESIDENT: I suggest that you omit the
3 extract from Johnston's book. I refer now to what
4 appeared in the National Review.

5 MR. BLAKENEY: If the document as a whole
6 is to be admitted, I will read only certain re-
7 maining parts.

8 THE PRESIDENT: As a colleague observed,
9 it is difficult to undertake the task of editing
10 on the bench. Parts of the affidavit are clearly
11 admissible. Other parts are not. We will permit
12 you to read the parts not objected to, the parts
13 that you propose to read, except that part from the
14 National Review. That indicates the extent of our
15 acceptance of the affidavit. Subject to that, it
16 is admitted on the usual terms.

17 CLERK OF THE COURT: Defense document No.
18 975 will receive exhibit No. 2445.

19 (Whereupon, the document above re-
20 ferred to was marked defense exhibit No.
21 2445 and received in evidence.)

22 MR. BLAKENEY: I read commencing on page 1,
23 "Outline of the Witness' Career:
24 "I, the witness, was born at Ogimachi, Ogigun, Saga,
25 on August 25, 1878;

1 "entered the Military Academy in December,
2 1898;
3 "graduated from the Academy in November,
4 1899;
5 "received my commission as 2nd Lieutenant,
6 Infantry in June, 1900;
7 "was appointed Regimental Commander of the
8 17th Infantry Regiment at Akita in
9 March, 1925;
10 Brigade Commander of the 14th Infantry
11 Brigade at Asahigawa in March, 1928;
12 "attached to the Headquarters of the 8th
13 Division at Hirosaki in April, 1928".
14 according to the English, but in March, 1929, accord-
15 ing to the original."
16 "placed on the reserve list on 1 April, 1931;
17 "appointed a Manchurian lieutenant-general
18 and became
19 Aide-de-camp to the Chief Executive,
20 on 12 June 1933;
21 retired from office on 1 April 1935,
22 which brings me up to the present.
23 "1. In 1932, soon after the establishment of
24 Manchoukuo and Mr. Pu-Yi's inauguration as Chief
25 Executive of the country, the persons concerned wanted

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DIRECT

1 some competent advisers to the Chief Executive,
2 partly at the suggestion of the Chief Executive him-
3 self. And I received visits at my house from Mr.
4 Hsu Ping, who later became Councillor of the Office
5 of the Chief Executive," --

6 BRIGADIER QUILLIAM: May it please the
7 Tribunal, I have objected to this portion being
8 introduced into evidence. I understood my learned
9 friend was not going to read it, but now I under-
10 stand that he intends to read all but a portion of
11 it.

12 MR. BLAKENEY: My intention was to read
13 specifically through line 8 of page 3 which states
14 the position which he came to take. I was then
15 going to omit the remainder of the paragraph. I
16 thought it easier and quicker than to omit a sen-
17 tence here and there. But, if it is desired, I
18 will omit some of the intervening sentences also.

19 THE PRESIDENT: We trust your judgment,
20 Major Blakeney.

21 MR. BLAKENEY: Resuming at the beginning
22 of the sentence:

23 "And I received visits at my house from Mr.
24 Hsu Ping, who later became Councillor of the Office
25 of the Chief Executive, Mr. Tsai Fa-ping, the then

1 Secretary of the Office of the Chief Executive, and
2 Mr. KUDO, Tadashi, the Chief of the Guard of the
3 Office of the Chief Executive, who personally came
4 one after another to ask me to serve as an attend-
5 ant to the Chief Executive. And I received another
6 earnest request to take the post from an old friend
7 of mine, Lieutenant-General KASHII, who was an old
8 acquaintance of the Chief Executive, as Mr. Pu-Yi
9 was living quietly in Tientsin when he had been
10 Commander of the North China Army. Meanwhile, when
11 this came to be materialized, it turned out that I
12 was allotted the post of senior aide-de-camp, and
13 not as adviser to the Chief Executive, not nominal
14 but real Chief Aide-de-Camp (the Manchurian Aide-
15 de-Camp was away from Hsinking as Governor of Jehol
16 Province, and commander of the garrison of the
17 province.)"

18 I omit the remainder of the paragraph.
19 I then read commencing with the last paragraph on
20 page 3, the same page.

21 "I stayed in Manchoukuo about two years --
22 from June 1933 until April 1935 -- from the time of
23 Mr. Pu-Yi's day as Chief Executive to those as Em-
24 peror of Manchoukuo, conducting all state affairs;
25 a brilliant period, and I served as Aide-de-Camp

1 in close attendance to the Emperor night and day,
2 discharging my duties faithfully for the sake of
3 Manchoukuo and the Emperor.

4 "2. Emperor Pu-Yi was very sagacious and
5 amazingly quick of comprehension. In sanctioning
6 all sorts of administrative and military matters,
7 he was never long in grasping the main points
8 mentioned in the papers submitted for his approval,
9 and time and again amended them in person. He al-
10 ways gave a clear and prompt judgment on every mat-
11 ter. More than once, I remember, he made decisions
12 of his own accord, without any assistance of the
13 officials, on affairs of state. To give one or two
14 examples, the draft of the Imperial Rescript to be
15 given to the soldiers, which was submitted by Chang
16 Ching-hui, the Minister of Military Affairs on 22
17 February in the 3d year of Tatung, 1934, was amended
18 in very important points by the Emperor himself.
19 Again in January, 1935 he made his first trip to
20 Port Arthur since his ascension to the Throne. Port
21 Arthur was really dear to the Emperor who had stayed
22 there for some time on his first visit to Manchuria
23 to take the post as Chief Executive. Port Arthur was
24 then within the Leased Territory of Japan, and was
25 therefore legally outside the territory of Manchukuo

ISHIMARU

DIRECT

1 and its citizens foreigners. Nevertheless, the
2 Emperor, then the ruler of Manchoukuo, recollecting
3 probably" -- I think that should be "reflecting
4 probably" -- " upon his days of the past deep emo-
5 tion, warmly gave an Imperial speech to the Japanese
6 citizens who had gathered in front of the hotel to
7 hail the Emperor. With a sense of responsibility as
8 an attendant to the Emperor, I felt it necessary to
9 know the contents of his speech and in what cir-
10 cumstances it was to be delivered; I, therefore,
11 immediately inquired of Imperial Household Minister
12 Shen how the delivery of the Imperial speech had been
13 decided upon and whether the Minister had given any
14 advice on its contents. The Minister told me that
15 he did not know of it, that he had not rendered any
16 assistance whatsoever, and added that the speech was
17 drafted by the Emperor's own accord and that the
18 entire text was written out by the Emperor himself."

19 At that point I pass to page 10, second
20 paragraph from the top which, I think, was not ob-
21 jected to.

22 "When the Empire of Manchoukuo was dis-
23 membered on 20 August 1946, ministers and high
24 officials of Manchurian and Chinese origin, all
25 looking to their own safety, immediately left the

1 Emperor at Talitzu, without even paying any regard
2 to safeguarding him. Even at this time high offi-
3 cials of Japanese origin wanted to share the lot of
4 the Emperor, and finally these officials as well as
5 the Emperor were made prisoner by the Soviet Army
6 at Mukden. Just looking at this fact, I feel, one
7 can understand the feelings of the Japanese."

8 You may cross-examine.

9 BRIGADIER QUILLIAM: May it please the
10 Tribunal, the prosecution has no cross-examination.

11 MR. BLAKENEY: I ask that the witness be
12 released on the usual terms.

13 THE PRESIDENT: Yes.

14 (Whereupon, the witness was ex-
15 cused.)

16 - - -

17 MR. BLAKENEY: The evidence about to be
18 offered in connection with opium and narcotics in
19 Manchoukuo will show that, contrary to the charges
20 in Counts 6, 27, 28 and Sections 4 and 5, Appendix
21 A of the Indictment, the opium and narcotics policy
22 of the Manchoukuo Government was established for
23 the purpose of control and suppression of the use
24 of these drugs. That this policy followed the most
25 accepted and successful international precedents and

1 was advisable in the circumstances will be shown from
2 agreements between the Far Eastern Powers, from
3 League of Nations Commission reports and from the
4 results of the Formosan opium-monopoly system upon
5 which the Manchurian was modelled.

6 I should like first to read from prosecution
7 exhibit 17, the International Opium Convention of
8 23 January 1912, Article 6, which provides:

9 "The Contracting Powers shall take measures
10 for the gradual and efficacious suppression of the
11 manufacture, the internal traffic in and the use of
12 prepared opium in so far as the different conditions
13 peculiar to each nation shall allow of this, unless
14 existing measures have already regulated the mat-
15 ter."

16 I now offer in evidence defense document
17 No. 738, an agreement executed in 1925 among the
18 British Empire, France, Japan, the Netherlands,
19 Portugal and Siam concerning methods of suppression
20 of the use and trade in opium, in conformity with
21 the 1912 Convention, exhibit 17.

22 THE PRESIDENT: Admitted on the usual terms.

23 CLERK OF THE COURT: Defense document No.
24 738 will receive exhibit No. 2446.

25 (Whereupon, the document above

1 referred to was marked defense exhibit No.
2 2446 and received in evidence.)

3 MR. BLAKENEY: This agreement provides for
4 a Government opium monopoly and other procedures in
5 the territories of the respective powers similar to
6 the methods then enforced by Japan in Formosa and sub-
7 sequently adopted in Manchoukuo. Although Manchoukuo
8 was not a party to this agreement, the methods later
9 adopted by her followed it in many instances. I
10 read first the first three paragraphs of page 1,
11 omitting formal parts.

12 "THE BRITISH EMPIRE, INDIA, CHINA, FRANCE,
13 JAPAN, THE NETHERLANDS, PORTUGAL AND SIAM,

14 "Being fully determined to bring about
15 the gradual and effective suppression of the manu-
16 facture of, internal trade in and use of prepared
17 opium, as provided for in Chapter II of the Inter-
18 national Opium Convention of January 23rd 1912, in
19 their Far Eastern Possessions and Territories, in-
20 cluding leased or protected territories, in which
21 the use of prepared opium is temporarily authorized;
22 and

23 "Being desirous, on the grounds of humanity
24 and for the purpose of promoting the social and
25 moral welfare of their peoples, of taking all pos-

1 sible steps for achieving the suppression of the use
2 of opium for smoking with the least possible delay;

3 "Having decided to conclude an agreement
4 supplementary to the said International Convention;"

5 Here follows recitation of the names of
6 the plenipotentiaries.
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2 From page 3 I read articles 1 through V:

3 "Article I

4 "1. Except as provided in paragraph 3
5 of this article with regard to retail sale, the
6 importation, sale and distribution of opium shall
7 be a monopoly of the Government and the right to
8 import, sell or distribute opium shall not be
9 leased, accorded or delegated to any persons what-
10 ever.

11 "2. The making of prepared opium for
12 sale shall also be made a monopoly of the Government
13 as soon as circumstances permit.

14 "3. (a) The system of employing persons
15 paid by a fixed salary and not by a commission
16 on sales for the retail sale and distribution of
17 opium shall be applied experimentally in those
18 districts where an effective supervision can be
19 exercised by the administrative authorities.

20 "(b) Elsewhere the retail sale and dis-
21 tribution of opium shall be conducted only by persons
22 licensed by the Government.

23 "Paragraph (a) need not be applied if a
24 system of, licensing and rationing of smokers is in
25 force which affords equivalent or more effective

1 guarantees.

2 "Article II

3 "The sale of opium to minors shall be
4 prohibited. All possible steps shall be taken
5 by the Contracting Powers to prevent the spread
6 of the habit of opium smoking among minors.

7 "Article III

8 "No minors shall be permitted to enter any
9 smoking divan.

10 "Article IV

11 "The Contracting Powers shall limit as
12 much as possible the number of retail shops and,
13 where smoking divans are permitted, the number of
14 divans.

15 "Article V

16 "The Purchase and sale of 'dross', except
17 when the 'dross' is sold to the monopoly, is pro-
18 hibited."

19 Skipping now to page 5, Article VII:

20 "The Contracting Powers shall use their
21 utmost efforts by suitable instruction in the schools,
22 dissemination of literature and otherwise, to dis-
23 courage the use of prepared opium within their
24 respective territories, except where a Government
25 considers such measures to be undesirable under the

1 conditions existing in its territory."

2 That is all I read from that document
3 at this time.

4 I now tender for identification Defense
5 Document No. 831, being Volume I of the "Report
6 to the Council" by the League of Nations Commission
7 of Enquiry for the Control of Opium-Smoking in the
8 Far East, published in Geneva in 1930, and offer
9 in evidence Defense Document No. 831-E, an excerpt
10 therefrom.

11 THE PRESIDENT: Admitted on the usual terms.

12 CLERK OF THE COURT: Defense document No. 831
13 will be marked exhibit 2447 for identification only,
14 and the excerpt therefrom identified as defense
15 document 831-E will be given exhibit No. 2447-A.
16

17 (Whereupon, the documents above re-
18 ferred to were respectively marked defense
19 exhibit No. 2447 for identification and
20 defense exhibit No. 2447-A in evidence.)

21 MR. BLAKENEY: Exhibit 2447-A is offered
22 in evidence to show that the method of total prohi-
23 bition of opium-smoking is ineffective for sup-
24 pression of the evil. I read the excerpt.

25 "(11) Total Prohibition.

"Total prohibition is enforced only in the

1 conditions existing in its territory."

2 That is all I read from that document
3 at this time.

4 I now tender for identification Defense
5 Document No. 831, being Volume I of the "Report
6 to the Council" by the League of Nations Commission
7 of Enquiry for the Control of Opium-Smoking in the
8 Far East, published in Geneva in 1930, and offer
9 in evidence Defense Document No. 831-E, an excerpt
10 therefrom.

11 THE PRESIDENT: Admitted on the usual terms.

12 CLERK OF THE COURT: Defense document No. 831
13 will be marked exhibit 2447 for identification only,
14 and the excerpt therefrom identified as defense
15 document 831-E will be given exhibit No. 2447-A.
16

17 (Whereupon, the documents above re-
18 ferred to were respectively marked defense
19 exhibit No. 2447 for identification and
20 defense exhibit No. 2447-A in evidence.)

21 MR. BLAKENEY: Exhibit 2447-A is offered
22 in evidence to show that the method of total prohi-
23 bition of opium-smoking is ineffective for sup-
24 pression of the evil. I read the excerpt.

25 "(11) Total Prohibition.

"Total prohibition is enforced only in the

1 Philippine Islands.

2 "Prohibition of opium-smoking is the
3 principle of the legislation in Formosa and in the
4 Kwantung Leased Territory; but it may be said that
5 the system actually applied is registration,
6 licensing and rationing of opium-smokers. In
7 Formosa, smoking may be permitted to those smokers
8 who were addicted at the coming into force of the
9 Opium **Ordinance** of 1928, provided they are medically
10 certified as being incurable opium-addicts. In
11 principle, therefore, legal opium-smoking in For-
12 mosa will come to an end at the death of the last
13 smoker licensed under the 1928 Ordinance. In
14 Kwantung Leased Territory, the Opium Ordinance gives
15 authority to the Government to license smokers, but
16 only when it is considered a necessity for curing
17 them of their habit. New smokers are allowed to
18 obtain licences subject to being certified as ad-
19 dicts.
20

21 "Experience has proved that total rigorously-
22 applied prohibition of opium-smoking does not lead
23 to total suppression of the opium-smoking habit,
24 in view of the persistency of the deeply rooted
25 vice and the great difficulties in preventing imports
of illicit opium and its distribution to illegal

1 consumers. It seems better that the opium-smoking
2 habit should be suppressed gradually be legalising
3 smoking by confirmed addicts and by supplying such
4 smokers with Government opium. This method only
5 offers the possibilities of limiting individual
6 consumption and preventing the spread of the habit
7 to more and more individuals. Whether the system
8 be prohibition or Government control, limitation
9 and, as far as possible, eradication of the il-
10 licit traffic is indispensable to success."

11 THE PRESIDENT: How could new smokers be
12 certified as addicts?

13 MR. BLAKENEY: I am sorry, sir. I did
14 not catch your remark.

15 (Whereupon, the official court
16 reporter read the President's question.)

17 MR. BLAKENEY: I think, sir, that documents
18 to be presented in a moment will make that quite
19 clear.
20

21 I tender for identification defense docu-
22 ment No. 637 --I am sorry. It has been tendered
23 for identification-- "The Manchukuo Year Book"
24 published by the Manchukuo Year Book Company,
25 Hsinking, Manchuria, in 1942. I offer in evidence
an excerpt therefrom, defense document No. 637-A,

1 to show the purpose of and precedent for the
2 Manchurian opium-monopoly system.

3 THE PRESIDENT: Admitted on the usual terms.

4 CLERK OF THE COURT: Defense document
5 No. 637-A will receive exhibit No. 2448.

6 (Whereupon, the document above re-
7 ferred to was marked defense exhibit No.
8 2448 and received in evidence.)

9 MR. BLAKENEY: I read the document.

10 THE PRESIDENT: Wait until the Judges get
11 their copies, Major Blakeney.

12 MR. BLAKENEY (Reading): "Opium Monopoly.

13 "Manchukuo's opium monopoly system was
14 established to control opium production and trans-
15 actions in order to facilitate the execution of
16 its opium policy. If illicit cultivation of poppy,
17 illegal transactions in opium and secret opium-
18 smoking are suppressed and replaced by Government-
19 licensed cultivation and smoking, the practise, it
20 is believed, can be gradually lessened, and the evil
21 eventually exterminated. This method which has been
22 adopted by Manchoukuo conforms with that which was
23 introduced into Taiwan several decades ago with
24 marked success. As a first step towards eradicating
25 the evil the Manchoukuo Government promulgated the

1 Opium Law in November, 1932.

2 "According to Article 2 of the Opium Law,
3 no person is allowed to smoke opium. Special per-
4 mission, however, may be given to those adults
5 who had already acquired the habit before the Law
6 was enforced, and to whom the drug is an indispensable
7 necessity. Licensed smokers in 1938 numbered about
8 550,000, while the number of addicts is roughly
9 estimated at one million, although no thorough
10 surveys have as yet been made."

11 I now offer in evidence another excerpt
12 from defense document No. 831, defense document
13 No. 831-C, in order to show the historical back-
14 ground for the attempt to control opium-smoking
15 in Formosa.

16 THE PRESIDENT: Admitted on the usual terms.

17 CLERK OF THE COURT: Defense document No.
18 831-C will receive exhibit No. 2449.

19 (Whereupon, the document above re-
20 f ferred to was marked defense exhibit No.
21 2449 and received in evidence.)

22 MR. BLAKENEY: It is submitted that in
23 order properly to understand the Manchoukuo's
24 Government's opium policy, a brief exposition of the
25 Formosan system upon which it was modelled is necessary.

1 This material pertaining to the precedent in Formosa
2 is presented on behalf of both the Manchurian and
3 China divisions of the defense.

4 THE PRESIDENT: Do you propose to read the
5 whole of that, Major Blakeney?

6 MR. BLAKENEY: Yes, sir. I think it
7 important to read the entirety of it.

8 THE PRESIDENT: Well, you will not be able
9 to complete it before noon.

10 Major Blakeney, would you look up the
11 evidence to see whether what Pu-Yi said about
12 religion -- the Shinto religion being enforced on
13 the Manchurians referred to the period before
14 1940? The excerpt from the Year Book was admitted
15 on the assumption that it did.

16 We will adjourn until half-past one.

17 (Whereupon, at 1200, a recess was taken.)
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AFTERNOON SESSION

The Tribunal met, pursuant to recess, at 1330.

MARSHAL OF THE COURT: The International
Military Tribunal for the Far East is now resumed.

THE PRESIDENT: Major Moore.

LANGUAGE ARBITER (Major Moore): Mr. President,
with the Tribunal's permission we present the following
language corrections:

Exhibit 1973, record page 14,513, line 1,
also record page 20,018, line 14, substitute "Govern-
ment" for "Governor."

THE PRESIDENT: Thank you, Major.

Major Blakeney.

MR. BLAKENEY: I was asked before recess to
look into the question of evidence on the religious
point. So far as I have been able to determine in that
time the only evidence on the religious question is
that of Pu-Yi which, as I stated this morning, related
to 1940 and subsequent years. Therefore, I am inclined
to think that there is no evidence in the record on the
religious question prior to 1940 as far as concerns
Manchukuo.

THE PRESIDENT: Well, you were about to read
exhibit 2449.

1 MR. BLAKENEY: Yes, sir.

2 "B. Short Historical Resume of the Control
3 of Opium-Smoking.

4 "When, in 1895, Formosa came under Japanese
5 administration, it was found that a great number of the
6 Formosan population was addicted to opium-smoking.
7 Although absolute prohibition of opium smoking had
8 always been the established policy in Japan, investiga-
9 tions proved that it would be almost impossible to
10 abolish opium smoking in Formosa at once. In 1896,
11 the Government-General declared that the Government
12 alone would be allowed to import opium and that only
13 habitual smokers would, for medical reasons, be per-
14 mitted to consume opium. By the Opium Ordinance for
15 Formosa, promulgated in January 1897, total prohibition
16 of opium smoking was laid down in principle, but special
17 licenses to smoke were granted to medically-certified
18 chronic addicts. An Opium Monopoly was established,
19 and the opening of smoking establishments and the manu-
20 facture and sale of smoking paraphernalia was made sub-
21 ject to a licensing system. In September 1900 the
22 preparatory work for the licensing of opium addicts
23 had been completed and 169,064 addicts were given
24 smokers' licenses. The control system was based on the
25 principle that no more licenses would be given, and

1 consequently opium smoking would entirely disappear
2 with the death of the last of the licensed smokers
3 registered in 1900.

4 "In course of time, however, it proved impos-
5 sible to carry out this principle. A great number of
6 secret smokers existed, who relied on the illicit
7 traffic for their supplies, and it was found impractica-
8 ble to apply the penalties of the Ordinance for illicit
9 smoking on account of the great number of offenders.
10 Twice the registers were opened and new smokers ad-
11 mitted to the license system. This occurred in
12 1904-05 and in 1908, when 30,543 and 15,849 new addicts
13 were given smoking licenses. At the end of 1928 there
14 remained slightly over 27,000 licensed smokers.

15 "The Government, aware of the existence of
16 numerous secret smokers, decided, in view of the coming
17 into force of the Geneva Opium Agreement of 1925, to
18 enforce a still stricter control of opium smoking in
19 Formosa. For this purpose, a revised Opium Ordinance
20 was promulgated in January 1929, under which smokers'
21 licenses could be given only to persons already addicted
22 at the time when the Ordinance came into force. In addi-
23 tion, the penalty for illicit smoking, which under the
24 previous Ordinance had been imprisonment or a fine,
25 was increased to imprisonment with hard labor for a

1 period not exceeding three years, without the inclusion
2 of an alternative fine only. A consequence of this new
3 Ordinance was the licensing of all confirmed addicts
4 of the time of its coming into force. Smoking estab-
5 lishments are licensed and rationed. The administration
6 of the Opium Ordinance comes within the competence of
7 the Monopoly Department, which imports raw opium, manu-
8 factures prepared opium, extracting morphia so that the
9 finished product uniformly contains 6 per cent morphia,
10 and distributes its prepared opium through licensed
11 wholesale and retail dealers. The manufacture and sale
12 of smoking paraphernalia may be undertaken only by li-
13 censed persons. Smoking establishments have been
14 abolished since 1929. All licensed opium smokers are
15 under strict police control. Officers carry out inspec-
16 tion of smokers and their homes at regular intervals.
17 Women are allowed to become licensed smokers under the
18 same conditions as men. There are no legal stipulations
19 as to the minimum age of licensed smokers, but licenses
20 have been given only to persons above the age of 20.

21 "The purchase and sale of dross is prohibited,
22 and the smokers are obliged to destroy the dross under
23 police supervision. At present the Monopoly does not
24 purchase dross, although there is legal provision for
25 such purchase by the Government.

1 "Prepared opium is sold wholesale only by
2 the Monopoly in metal tins holding 375 grammes
3 (10 tahils). Retail sales are by weight. The present
4 retail price of prepared opium is 44 yen per tin
5 (10 tahils), which includes 10 per cent commission to
6 retail dealers. Wholesale dealers receive a commission
7 of 1.3 per cent on the wholesale price, which is 40 yen
8 per tin of 10 tahils. The wholesale price has been
9 gradually increased from 10 yen, which was the price
10 when the control system was first established in 1897.
11 The price has remained unchanged since 1919."

12 I now offer for identification a book entitled
13 "Opium Policy in Japan" by Kaku SAGATARO, former Civil
14 Governor of Formosa, published in Geneva in 1924, and
15 I offer in evidence defense document No. 402, an
16 excerpt therefrom, to show the relation of the Formosan
17 opium problem to that of the rest of the Far East.

18 THE PRESIDENT: Brigadier Quilliam.

19 BRIGADIER QUILLIAM: May it please the Tri-
20 bunal, I cannot object to the book being accepted for
21 identification, but the prosecution does object to the
22 admission into evidence of the excerpt. This excerpt,
23 if it please your Honor, is the first of seven excerpts
24 which are proposed to be introduced.

25 The book was written in 1924. It is conceded

1 that the author of the book was concerned with opium
2 policy matters, but, nevertheless, it is submitted
3 that the book has no probative value in the circum-
4 stances. It is also submitted that the excerpt is
5 irrelevant.

6 It is further submitted that the matters cov-
7 ered by this and the other excerpts are more satisfac-
8 torily dealt with in documents which have been presented
9 and which it is intended to present to the Tribunal,
10 and that, therefore, the introduction of these excerpts
11 constitutes unnecessary repetition.

12 This particular excerpt gives the opinion of
13 the author on the interest of Japan in opium matters
14 which he says has been an interest that Japan has pos-
15 sessed for a long time, and also the opinion of the
16 author to the effect that Japan has always desired to
17 cooperate with the League of Nations.

18 It is submitted that material of this kind
19 has no value, and that the document should be rejected.
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1 MR. BLAKENEY: These excerpts are offered,
2 of course, not for the opinion of the author, which we
3 are quite content to have disregarded, but for the
4 statements of fact contained therein.

5 These statements of fact are relevant and
6 material, we submit, for at least two compelling
7 reasons. First of these is that, as has already been
8 shown by documents introduced, the Formosan opium
9 control system was the model for that of Manchukuo.
10 If it comes to the question of whether the Manchukuo
11 system was a proper one, then the experience and results
12 under the Formosan system must be worth the Tribunal's
13 attention. On the other hand, as has been shown by
14 the League of Nations Commission report in evidence and
15 to be put in evidence, the opium problem of Asia is a
16 complete whole. And not only are experiences in one
17 section relevant to the control in another, but the
18 system of control adopted in one region has an inevi-
19 table effect on the system to be adopted and put into
20 practice in another region.

21 Now, of course, the particular excerpt at
22 the moment in discussion, being the preface to the book,
23 and as such being designed to outline the scope of
24 the book, is less factual than the excerpts to follow.
25 But it does show the connection of material to follow

1 with the question at issue in this case, the Manchukuo
2 opium question.

3 THE PRESIDENT: Well, the accused are charged
4 in effect with waging aggressive war, and in the course
5 of so doing, with encouraging the use of opium. They
6 are charged with doing that in the year 1908 -- 1928,
7 and subsequently. This excerpt deals with conditions
8 in 1924 and prior thereto. Are you contending that
9 what was done in Manchuria after 1928 was really in
10 pursuance of a policy laid down in 1924 and earlier?

11 MR. BLAKENEY: Yes. As is shown by
12 exhibit 2448 already read, the Manchukuo system did
13 follow that introduced and carried out in Formosa.
14 That is our only interest in the Formosan system.

15 THE PRESIDENT: A colleague meets your sub-
16 mission this way: If A is charged with criminal
17 conduct in respect of X, it is not exculpatory to prove
18 innocent conduct in respect of Y.

19 MR. BLAKENEY: But that is not the position
20 at all, if the Tribunal please. The position is that
21 in defense of the charge made against them, the
22 defendants say they took certain steps to control
23 opium in Manchukuo. Exhibit 2448 shows that the steps
24 they took were modeled on those long in effect in
25 Formosa and with which we are not concerned otherwise

1 here. In exhibit 2447-A, we find the League of Nations
2 Commission in effect, though not in terms, approving
3 that Formosan system as being the correct method.

4 THE PRESIDENT: Then you must prove that the
5 Formosan system was correct and that you followed it.

6 MR. BLAKENEY: Yes, we are now trying to prove
7 that we followed it by showing what was done in For-
8 mosa, then that to be followed by what was done in Man-
9 chukuo, so that the Tribunal can make the comparison.

10 THE PRESIDENT: The Formosan example may
11 have been a bad one, not necessarily a good one.

12 MR. BLAKENEY: I can say only that I assume
13 we must accept the findings of the League of Nations
14 Commission of Inquiry into the control of opium smoking
15 and the conclusions of the nations embodied in their
16 Opium Conference Agreement on that point.

17 THE PRESIDENT: Well, the League did not
18 condemn the Formosan scheme. It may have approved it.

19 We must certainly regard the League as an
20 authority as they were put there by the United Nations
21 for this purpose among others.

22 Well, how many excerpts have you, Major
23 Blakeney?

24 MR. BLAKENEY: I have seven all told, most
25 of which are quite brief. Well, I won't say quite

1 brief. They are brief. Each is one page.

2 THE PRESIDENT: Is that the only way of proving
3 the Formosan scheme? Doesn't the League of Nations
4 deal with the Formosan scheme sufficiently?

5 BRIGADIER QUILLIAM: It is submitted, if it
6 please your Honor, that the Formosan policy is proved
7 by the exhibit 2449. There were four documents, four
8 excerpts which deal with Formosa in addition to
9 exhibit 2449.

10 THE PRESIDENT: Well, this may be repetitive.
11 I think I will take the opinion of the other Members
12 of the Court.

13 By a majority the Court upholds the objection
14 and rejects the excerpt.

15 MR. BLAKENEY: In this connection I point
16 out in advance that I offer another excerpt from the
17 same book, but that it deals with a separate branch
18 of the problem, that of Korea. This excerpt, defense
19 document 402-B-1, is the only evidence to be offered
20 on the Korean opium question.

21 THE PRESIDENT: Brigadier Quilliam.

22 BRIGADIER QUILLIAM: May it please the
23 Tribunal, it is submitted that this excerpt, which
24 as my friend has said deals with Korea, is also
25 objectionable. It deals with matters in Korea up to

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1 about 1920, and I submit, in view of the other
2 evidence taking the form of League of Nations
3 Reports, it is unfortunate to introduce confusion
4 and obscurity by material of this kind.

5 THE PRESIDENT: Did the League of Nations
6 Committee report on Korea?

7 MR. BLAKENEY: Not in any evidence
8 tendered or to be tendered by us; that is to say,
9 the book which is identified only as exhibit 831
10 does report on the question, but no excerpts have
11 been prepared. Such excerpts can be prepared if
12 the Tribunal would prefer to receive evidence from
13 that source.

14 Well, I am informed now, if the Tribunal
15 please, that one land-leased territory is included
16 in the report but that Korea is not. I cannot
17 quote it of my personal knowledge.

18 THE PRESIDENT: By a majority the Court
19 upholds the objection and rejects the excerpt.

20 MR. BLAKENEY: I next offer in evidence
21 document 831-D, another excerpt from the Report
22 to the Council of the League of Nations Commission
23 showing the great decrease in the number of opium
24 addicts in Formosa as a result of the measures
25 adopted there.

1 THE PRESIDENT: Admitted on the usual
2 terms.

3 MR. BLAKENEY: Since the Clerk says he
4 has not that document in his custody at the moment,
5 I will pass by it until a later time and shall
6 offer in evidence defense document 831-A, another
7 excerpt from the League's Commission Report to
8 the Council, showing the main features of the
9 opium policies followed by the various govern-
10 ments in the Far East.

11 I am sorry, if the Tribunal please.
12 There seems to be confusion about the documents;
13 so I will pass on to one I know the Clerk has.

14 Defense document No. 978, the proclama-
15 tion of the Prime Minister of Manchoukuo pro-
16 mulgating the origin of the opium law in 1932 is
17 offered in evidence in refutation of counts 26,
18 27, and 28 of the Indictment.

19 THE PRESIDENT: Admitted on the usual
20 terms.

21 CLERK OF THE COURT: Defense document
22 No. 978 will receive exhibit No. 2450.

23 (Whereupon, the document above
24 referred to was marked defense exhibit
25 No. 2450 and received in evidence.)

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1 MR. BLAKENEY: I shall read the procla-
2 mation:

3 "Opium smoking is of ancient origin and
4 has become firmly established as a common custom.
5 Consequently, the waste of lives and fortunes was
6 regarded with contempt by the Powers. As long as
7 escape from this evil custom is impossible, it
8 is most regrettable viewed from the standpoint
9 of the spiritual good of the state. However, the
10 suitability or lack of suitability of an opium
11 system is a major problem bearing on the rise or
12 fall of a nation. Now that the establishment of
13 Manchoukuo has been accomplished, it is time for
14 complete political reform. If we do not create
15 means for abolishing the use of opium, establish-
16 ing such means as a fundamental policy immediately,
17 this evil will further spread in the future and
18 will result finally in a hopeless situation.

19 "However, a policy under which, as in
20 the case of the old system" -- no, I am sorry,
21 this seems to be a misprint here -- "as in the
22 case of the old system" -- I will have to read it
23 as it is; I cannot make it out -- "proper disposi-
24 tion of opium addicts, which are presently exis-
25 tent in large numbers, was overlooked, if we try

1 now to prohibit its use it would be like damming
2 a river without controlling its source, and we
3 are forced to admit that such a policy would be
4 a mistaken one. In spite of the fact that a legal
5 system to prohibit the use of opium had early
6 been completely provided for, it is a fact that it
7 was not effective in the least.

8 "In order to cure the people of this
9 long-addicted evil habit, we must resort to
10 suppressive measures for gradual decrease of the
11 number of addicts, and strictly prohibit general
12 use of opium, or permitting those already addicted
13 to the habit its continued use for medical purposes.
14 We must also establish medical institutions for the
15 relief of the victims of the drug while striving
16 to prevent the appearance of new victims by such
17 means as education and various other social
18 measures, awakening the people to the fearful
19 facts of the addiction. By these means let us
20 strive for gradual extirpation of this evil
21 custom, these apparently being the measures proved
22 by the experiments in different countries of the
23 world to be the most effective means for the
24 suppression of opium addiction. Our government,
25 therefore, following the above-described policy,

1 promulgated on November 30, 1932 (Daido 1), the
2 Opium Law, Imperial Ordinance No. 111, in the
3 hope of attaining the above aims. We expect that
4 our people will understand the significance of
5 this law, reflect well on their conduct, and
6 faithfully observe the dictates of our great
7 project for the renovation of our national life.

8 "November 30, 1932."

9 I will return now to defense document
10 No. 831-D, now available for distribution, and I
11 repeat this is an excerpt from the Report to the
12 Council of the League Commission showing decrease
13 of opium addicts in Formosa as a result of the
14 measures there adopted.

15 THE PRESIDENT: Admitted on the usual
16 terms.

17 CLERK OF THE COURT: Defense document
18 No. 831-D will receive exhibit No. 2451.

19 (Whereupon, the document above
20 referred to was marked defense exhibit
21 No. 2451 and received in evidence.)

22 MR. BLAKENEY: I shall not read the
23 figures other than to quote the initial census,
24 50,597 opium smokers in 1897; the increase to
25 165,752, or 6.2 per cent of the population in

1 1900 as registration progressed; and the decrease
2 to 24,626, or less than six-tenths of one per cent
3 of the population in 1929.

4 I next offer in evidence defense document
5 No. 831-A, another excerpt from the League Commission
6 Report to the Council showing the main features of
7 the opium policies followed by the various govern-
8 ments in the Far East.

9 THE PRESIDENT: Admitted on the usual
10 terms.

11 CLERK OF THE COURT: Defense document
12 No. 831-A will receive exhibit No. 2452.

13 (Whereupon, the document above
14 referred to was marked defense exhibit
15 No. 2452 and received in evidence.)
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1 MR. BLAKENEY: I should like to read from
2 the beginning through the first paragraph on page 2.

3 "16. Main Features of the Governments'
4 Opium Policies.

5 "The enquiry has brought the Commission
6 to the conviction that all Governments concerned
7 are endeavouring to fulfil their international
8 obligations as regards control of opium-smoking,
9 and attempting to control and reduce as soon as
10 possible the consumption of opium for smoking pur-
11 poses. The basis of these control systems, when
12 total prohibition is not yet enforced, is a Govern-
13 ment Monopoly. The systems in force differ greatly
14 on important points. Some Governments have been
15 able to carry the restrictive measures further than
16 others owing to more favorable local conditions or
17 to a stronger initiative.

18 "The complete Government monopoly system
19 for opium control has the following principal
20 features:

21 "(1) Import of raw opium for non-medical
22 purposes is the exclusive right of the Government.

23 "(2) The manufacturing and packing of
24 prepared opium is the exclusive right of the Govern-
25 ment.

1 "(3) Prepared opium is distributed through
2 Government shops.

3 "(4) Prepared opium is sold at a price
4 fixed at a high rate, making opium a luxury.

5 "(5) Possession and consumption of pre-
6 pared opium is only permitted to registered or
7 licensed smokers with special regulations regarding
8 race, sex and age of smokers.

9 "(6) Individual consumption is limited
10 by a system of rationing allowing smokers only
11 daily limited quantities of prepared opium.

12 "(7) Smoking of opium is only permitted
13 in Government-owned or licensed smoking establish-
14 ments, where prepared opium is sold for consumption
15 on the premises.

16 "(8) The dross resulting from smoking
17 becomes the property of the Government or is collec-
18 ted by the Government.

19 "(9) The profit derived from the Opium
20 Monopoly goes to the Government as any other state
21 revenue.

22 "(10) The monopoly is protected by organi-
23 sation of preventive services and adequate legis-
24 lation to suppress illicit trade in and illicit
25 consumption of opium.

1 "(a) Extent of Opium Monopoly.

2 "The complete system of control through
3 Government monopoly as outlined above is not in
4 existence anywhere in the Far-Eastern territories
5 concerned. All systems in practice fall short of
6 this programme in some respects. There is only
7 one point in which the situation is the same every-
8 where, namely, that the import of raw opium for
9 smoking purposes is a Government monopoly. In all
10 territories except two, Kwang-Chow-Wan and the
11 Kwantung Leased Territory, the manufacturing of
12 prepared opium is a Government monopoly. In Burma
13 the Government sells raw opium direct to the con-
14 sumer, and the manufacturing of prepared opium for
15 sale is prohibited. So far, only a few territories,
16 the Straits Settlements and most of the States in
17 British Malaya, including the British protectorates
18 of Borneo, and the Netherlands Indies, have brought
19 the retail distribution of prepared opium under
20 complete Government monopoly, that is, retail sales
21 are undertaken by Government officials in Govern-
22 ment-owned shops. In all other territories retail
23 sales are effected through vendors licensed by
24 Governments. In Siam, licensed shops are gradually
25 being replaced by shops owned and managed by the

1 Government. In Burma, the shops are Government
2 owned but run by licensed vendors, each shop being
3 controlled by a special excise officer permanently
4 attached to it."

5 I now read the last paragraph at the bottom
6 of that page.

7 "The purposes for which the monopoly was
8 introduced have not been realized when the illicit
9 trade sometimes amounts to three or four times the
10 sales of Government opium. Very much remains to be
11 done in order to make the monopolies effective."

12 Defense document No. 732, another excerpt
13 from the report to the Council, is offered to show
14 the findings of the League's Commission relative to
15 the importance of opium revenue to the various govern-
16 ments, and to show that reliance upon such revenue
17 is a common feature of their budgets.

18 THE PRESIDENT: Admitted on the usual terms.

19 CLERK OF THE COURT: Defense document No.
20 732 will receive exhibit No. 2453.

21 (Whereupon, the document above referred
22 to was marked defense exhibit 2453 and received
23 in evidence.)

24 MR. BLAKENEY: I shall read the document.

25 "17. Opium Revenue.

1 "Opium control as actually practised in the
2 Far-Eastern territories furnishes revenue to the
3 Governments. In the course of time opium has become
4 a source of income necessary to Governments for the
5 balancing of their budgets, sometimes as much as
6 one-third of the total revenue being obtained from
7 opium.

8 "As all Governments concerned have by
9 international agreements undertaken ultimately to
10 suppress opium-smoking, opium as a source of revenue
11 will in time disappear and must be replaced. It
12 would be to the economic advantage of the territor-
13 ies concerned if Governments began immediately to
14 adjust their finances to the gradual loss of opium
15 revenue by making their budgets independent of it.

16 "On moral grounds strong objections are
17 raised to the fact that Governments obtain revenue
18 from opium control. The reasons for these objec-
19 tions would be removed if the opium revenue were
20 increasingly devoted to the campaign against opium-
21 smoking and to social and hygienic development like-
22 ly to reduce the future demand for opium.

23 "The opium gross revenue should be trans-
24 ferred to a special section of the budget. In
25 case legislative measures are necessary to introduce

1 this change in the budget accounts, measures for
2 this purposes should be considered in each terri-
3 tory. Every expense connected with opium, includ-
4 ing preventive services, should be charged against
5 that revenue. If any item cannot be exactly deter-
6 mined an approximate amount should be charged.

7 "The net opium revenue being thus arrived
8 at, the available balance should be first applied
9 to cover the expenses connected with the campaign
10 against illicit traffic in opium education, propa-
11 ganda, cure of addicts, scientific research, and
12 so on, such items being also charged against the
13 opium revenue account.

14 "The balance, if any, should be applied
15 to the creation or increase of any form of Opium
16 Revenue Replacement Fund or transferred either to
17 the ordinary budget with a view to meeting expendi-
18 ture for social or sanitary purposes or to the extra-
19 ordinary budget to meet expenditure on public works
20 directly or indirectly connected with the campaign
21 against opium smoking.

22 "At the Conference to be called under
23 Article XII of the Geneva Opium Agreement, the
24 Governments should agree to fix a definite period
25 by which they will have taken the necessary steps

1 to make their ordinary budgets independent of the
2 opium revenue."

3 I now offer in evidence defense document
4 No. 831-B, excerpted from the Report to the Council
5 of the League, consisting of several excerpts
6 showing the conclusions and suggestions of the
7 League of Nations' Commission concerning the control
8 of opium smokers.

9 THE PRESIDENT: Admitted on the usual
10 terms.

11 CLERK OF THE COURT: Defense document No.
12 831-B will receive exhibit No. 2454.

13 (Whereupon, the document above referred
14 to was marked defense exhibit 2454 and
15 received in evidence.)

16 MR. BLAKENEY: I shall read certain parts,
17 commencing at the beginning.

18 "PART IV.

19 "CONCLUSIONS OF THE COMMISSION AND ITS
20 SUGGESTIONS TO THE GOVERNMENTS CONCERNED AND TO THE
21 LEAGUE OF NATIONS.

22 "By the terms of reference laid down by
23 the Ninth Assembly of the League of Nations, the
24 Commission was asked what action should, in the exist-
25 ing circumstances, be taken by the Governments con-

1 cerned and by the League of Nations in regard to
2 the use of opium prepared for smoking. The Com-
3 mission has reached the conclusion that the gradual
4 and effective suppression of opium smoking requires
5 concerted action on similar and concurrent lines
6 by all Governments concerned. In view of this the
7 Commission's suggestions are directed to all the
8 Governments of the Far Eastern territories included
9 in the enquiry. The action suggested to the
10 Governments should be based on international agree-
11 ments and continuous international co-operation,
12 covering all the aspects of the opium-smoking prob-
13 lem.

14 "The Commission suggests to the League of
15 Nations that it should use all its efforts to help
16 the Governments in reaching agreements on the lines
17 suggested by the Commission and in carrying out
18 such agreements in cooperation with each other.
19 The League should, moreover, follow closely the
20 situation as regards opium control for the purpose
21 of ensuring progress and the final suppression of
22 opium-smoking in all territories.

23 "The following are the Commission's con-
24 clusions and suggestions:
25

"1. Necessity for Concurrent Measures.

1 "Sincere efforts have been made to combat
2 the opium-smoking habit and the illicit traffic in
3 opium throughout the Far-East. On the whole,
4 however, these efforts have had but few lasting
5 results owing to the fact that each step taken was
6 isolated and not co-ordinated to any general plan.
7 The opium policy in some countries had the charac-
8 ter of a series of experiments. Again, a measure
9 has sometimes been adopted in expectation of results
10 that never materialised from a measure adopted
11 previously.

12 "It has proved a bad policy to concentrate
13 on some measures and to ignore others: to combat
14 the illicit traffic but to disregard poppy cultiva-
15 tion which supplies that traffic; to endeavor to
16 limit the demands for opium but to ignore the causes
17 of that demand; to register smokers but not to ra-
18 tion them; to control the use of opium but not of
19 dross, or to control smoking establishments but to
20 allow opium-smoking outside them.

21 "In order to attain the desired results
22 it is essential that all measures aiming at gradual
23 suppression of opium-smoking should be taken con-
24 currently and applied as progressively as circum-
25 stances permit.

1 "9. Complete Opium Monopoly for Retail
2 Distribution.

3 "If Governments find it necessary to
4 employ private licensed individuals for the retail
5 of opium to consumers, even the best efforts to check
6 the spread of the opium-smoking habit and to
7 suppress the illicit traffic in opium may be, and
8 often are, useless. It may be assumed that a
9 person in the direct employment of a Government
10 will as a rule carry out the Government's instruc-
11 tions more faithfully than a licensed retailer or
12 his employees, who might let private considerations
13 of profit influence their actions. It is only by
14 making the retail dealers independent of financial
15 considerations that Governments can obtain even a
16 relative safeguard against dealers taking advan-
17 tage of their position to increase their profits
18 by trying to enlarge the sales of opium. Complete
19 Government monopoly is almost everywhere in force
20 for the buying of raw opium and for the manufacture
21 of prepared opium.
22

23 "The principle that Governments should
24 have contact with smokers only through Government
25 officials or employees should be applied everywhere
as soon as possible, to every transaction connected

1 with distribution of opium to smokers. The first
2 step in this direction should be the abolition
3 of all licensed retail shops and their replacement
4 by Government shops managed by employees of the
5 opium monopoly and subjected to constant and
6 rigorous inspection by the monopoly itself, as well
7 as by other Government officials in the districts.
8 The second step should be the gradual merging of
9 these Government retail shops into Government-owned
10 and Government-managed smoking establishments.

11 "11. Measures to Control Individual
12 Consumption.

13 "Individual consumption of opium must be
14 under efficient control in order to bring about
15 gradual suppression. This can be done by limiting
16 the consumption of individual smokers and by the
17 adoption of measures to prevent the spread of the
18 smoking habit. Methods which have proved practicable
19 are registration pure and simple, registration with
20 licensing and registration with licensing and
21 rationing.

22 "Registration pure and simple means that
23 opium may be purchased only by persons who have been
24 inscribed in smokers' registers, kept at retail
25 shops, and who give their names at each purchase.

1 This method has the advantage of giving Governments
2 a knowledge of the approximate number of opium-
3 smokers, which is indispensable for systematic
4 campaign against the opium vice. It is also
5 possible to limit legal consumption to certain
6 races or groups of the population. This method,
7 however, does not give any control of individual
8 consumption unless combined with licensing.

9 "Registration with licensing means that
10 opium may be purchased only by persons who have
11 obtained smoking licences from the competent
12 authorities. These licences record the name, age
13 and occupation of the holder and bear his photo-
14 graph. They specify the retail shop where supplies
15 of opium may be purchased subject to the production
16 of the licence. Each purchase is noted on the
17 licence or a special pass-book, provided for this
18 purpose. Registers of the licences are kept by
19 the Government. This method has the same advantages
20 as simple registration and, further, the daily
21 purchases can be controlled and limited by a legal
22 maximum for purchase at one time.

23 "Registration with licensing and rationing
24 means that smokers, in addition to being licensed
25 and registered, are limited in their purchases to

1 individually fixed daily doses. This method has
2 all the advantages of registration with licensing
3 and permits control of degree of addiction; it
4 also helps to prevent supplies of legal opium
5 from reaching unlicensed smokers and thus tends
6 both to limit individual consumption and prevent
7 the spread of the habit."

8 Here I will drop down to paragraph
9 13, the last paragraph on page 3.

10 "As long as opium-smokers are allowed
11 to smoke in private the control of opium-smoking
12 is incomplete and spread of the habit always
13 possible. Measures must be taken to suppress
14 illicit 'opium dens' where smokers who do not wish
15 or cannot smoke at home congregate. Smoking at
16 home as well as in 'illicit dens' facilitates
17 illicit traffic in opium. Smokers should therefore
18 in principle be obliged to smoke opium in public
19 smoking establishments. These concentrate smokers
20 to a few localities and make it easier, to control
21 the individual and his consumption, to prevent the
22 spread of the habit and of disease through pipes,
23 and to collect the dross produced by smokers of
24 legal opium.
25

Here I skip to 16 at the bottom of page 4.

1 "16. Cure of Opium-Smokers.

2 "The cure of opium addicts is an important
3 step towards the total suppression of opium-smoking
4 and the prevention of a further spread of the habit.
5 The discovery of an inexpensive method which will
6 cure opium addicts without involving too much
7 suffering in overcoming the craving for opium would
8 be a decisive step in the anti-opium campaign.
9 This question has already received considerable
10 attention in some territories in the Far-East,
11 sometimes in connection with the cure of addiction
12 to other narcotic drugs. Investigations have been
13 conducted either as part of scientific research
14 or in connection with the actual cure of smokers.
15 Progress has been slow owing in some cases to lack
16 of financial resources and in others to abuse by
17 smokers of facilities for cure. In times of
18 economic depression smokers have taken advantage
19 of special opium wards in hospitals, but they have
20 returned to their habit as soon as they were again
21 able to afford smoking.

22 "Increased and systematic attention should
23 be given to the cure of opium addiction. The
24 Governments should take the lead in this question
25 and give their encouragement to private efforts.

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16 of financial resources and in others to abuse by
17 smokers of facilities for cure. In times of
18 economic depression smokers have taken advantage
19 of special opium wards in hospitals, but they have
20 returned to their habit as soon as they were again
21 able to afford smoking.

22 "Increased and systematic attention should
23 be given to the cure of opium addiction. The
24 Governments should take the lead in this question
25 and give their encouragement to private efforts.

1 Special opium wards should be attached to existing
2 hospitals and additional hospitals built which might,
3 when no longer necessary for the cure of opium
4 addicts, be turned into general hospitals. Funds
5 for these purposes should be made available from
6 the opium revenue.

7 "The experience and results obtained in
8 relation to the cure of addiction to opium by
9 medical authorities should be communicated to
10 the medical authorities of other territories.

11 "There should be after-care of cured
12 addicts in order to prevent relapse. Compulsory
13 cure should be tried as soon as possible in special
14 districts in order to gain experience for the
15 purpose of gradually curing all addicts."
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1 MR. BLAKENEY: I now offer in evidence
2 defense document--

3 THE PRESIDENT: Major Blakeney, are there
4 many more of these? These are reports to the League
5 of what ought to be done. There must be hundreds of
6 such reports to the League. What we are concerned
7 about is what was done, and done during the period
8 that we have to take into account.

9 MR. BLAKENEY: Commencing with my next
10 document the evidence relates with what was done in
11 Manchukuo and the results.

12 I now offer in evidence defense document
13 No. 722, being an excerpt from prosecution exhibit
14 No. 452, the "Sixth Report on Progress in Manchuria
15 to 1939," published by the South Manchuria Railway
16 Company, Dairen, 1939. It explains the stages com-
17 posing the over-all opium suppressing policy in
18 Manchukuo.

19 THE PRESIDENT: Admitted on the usual terms.

20 CLERK OF THE COURT: Defense document No. 722
21 will receive exhibit No. 2455.

22 (Whereupon, the document above
23 referred to was marked defense document
24 No. 2455 and received in evidence.)

25 MR. BLAKENEY: I read the exhibit:

1 "(4) Opium and Narcotics. The opium
2 monopoly had as its fundamental purpose the extermin-
3 ation of opium evil through national control. In
4 this respect, the re-examination of the system in
5 1934 and further study of the problem in general
6 finally led the Government in August, 1937, to
7 discard the policy of gradually eliminating addicts
8 and to adopt a new policy of completely exterminating
9 the habit within a period of ten years beginning in
10 1938. The ten-year plan for the extermination of
11 opium evil as announced on August 12, 1937, outlined
12 an elaborate program including (1) education against
13 opium smoking, (2) prevention of the appearance of
14 fresh cases, (3) curing of addicted persons, (4)
15 control and improvement of opium to be used in the
16 treatment of addicts, (5) self-restraint of Government
17 and municipal officials, and (6) rigid control of
18 production, buying and selling of opium in conformity
19 with the policy of eradicating opium smoking. Simul-
20 taneously with the strengthening of the opium monopoly,
21 the Government has decided to ban the use of narcotic
22 drugs. Consequently, the Narcotics Law was promul-
23 gated in August, and enforced from September 15, 1937.
24 The narcotic administration under the Narcotics Law
25 is primarily under the jurisdiction of the Health

1 Department but, as the opium from which narcotic
2 drugs are manufactured is a monopoly product, the
3 manufacture, importation, and distribution of
4 morphine and heroin were placed under the super-
5 vision of the Monopoly Office (For the texts of these
6 Laws, see Appendix III, Nos. 9 and 7)."

7 I next offer in evidence defense document
8 No. 965, a copy of the opium law of 1932, as revised
9 through 1938, to show the stringent measures taken
10 by the Government in the control policy.

11 THE PRESIDENT: Admitted on the usual terms.

12 CLERK OF THE COURT: Defense document No. 965
13 will receive exhibit No. 2456.

14 (Whereupon, the document above
15 referred to was marked defense document
16 No. 2456 and received in evidence.)

17 THE PRESIDENT: Will you finish reading
18 before the recess, Major Blakeney?

19 We will recess for fifteen minutes.

20 (Whereupon, at 1443, a recess was
21 taken until 1500, after which the proceedings
22 were resumed as follows:)
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1 MARSHAL OF THE COURT: The International
2 Military Tribunal for the Far East is now resumed.

3 MR. BLAKENEY: I was about to read parts
4 of exhibit No. 2456. I shall commence with Article
5 II on page one.

6 "Article II. No person shall be allowed
7 to smoke opium. However the foregoing provision
8 shall not apply to addicts over the age of 25 years,
9 who are deemed to require opium for bodily treat-
10 ment and licensed by the Government.

11 "Article III. The official sale of opium
12 and the manufacture of prepared opium and opium
13 for medical use shall be executed by the Government.
14 The manufacture of prepared opium under conditions
15 stipulated in items (2) and (3) of Article V,
16 however, is excepted.

17 "Article IV. Opium or instruments for
18 opium-smoking shall be prohibited from importation
19 or exportation except when falling within the
20 purview of any one of the following conditions:

21 "1. Importation or exportation of opium
22 by the Government;

23 "2. Exportation of opium for medical use
24 by agents who are appointed in accordance with the
25 provisions of orders concerned;

1 "3. Importation of instruments for opium-
2 smoking by producers of instruments as provided for
3 by orders concerned.

4 "Article V. The manufacture, sale or pur-
5 chase, transfer, ownership or possession of opium
6 or instruments for opium-smoking shall be prohibited
7 except when stipulated by order and coming within
8 the purview of any one of the following:" -- which
9 I omit.

10 Passing to page three, Article VII:

11 "Article VII. No person shall be allowed
12 to maintain opium-smoking dens or provide facilities
13 for the smoking of opium for others with the object
14 of making profit. Licensed opium retail dealers,
15 however, may be permitted to do so when Government
16 approval is secured.

17 "Article VIII. No cultivation of poppy
18 intended for the manufacturing of opium or its sub-
19 stitute shall be allowed without the approval of
20 the Governments.

21 "Article IX. The sale or purchase and the
22 transfer of poppy seeds intended for the object
23 mentioned in the previous article shall be forbidden;
24 the sale and transfer of the same to those cultivating
25 poppy with Government approval, however, shall be

1 excepted.

2 "Article X. Any one cultivating poppy with
3 Government approval shall deliver the raw opium
4 produced to the Government for the time being, however,
5 such a raw opium may be sold to opium purchasing
6 agents designated by the Government.

7 "The said opium purchasing agents shall
8 deliver the raw opium so purchased to the Government.

9 "Article X,2. The manufacture, sale or
10 purchase, transfer, ownership or possession of
11 adulterated opium shall be prohibited.

12 "Article XI. In order to correct the habit
13 of opium-smoking, the Minister of People's Welfare
14 shall adopt necessary measures for the opium-addicts.

15 "The expenditures required for the afore-
16 mentioned measures shall be determined by the Minister
17 of People's Welfare.

18 "Article XII. In case of necessity, the
19 Government may order the persons mentioned in the
20 different items listed in Article V to submit reports.

21 "Article XIII. The competent officials
22 may enter the factories, shops, or other premises
23 belonging to persons mentioned in the items listed
24 in Article V, and inspect their raw materials,
25 product, machines, instruments, books, documents

1 or other articles or adopt any measure necessary for
2 the control of opium.

3 "Article XIV. Persons coming within the
4 purview of either of the following shall be punished
5 by penal servitude not exceeding seven years, or
6 a fine not exceeding seven thousand yuan.

7 "1. Persons who have violated the provisions
8 of Article I or V with the object of selling opium;

9 "2. Persons who have violated provisions
10 of Article VII or VIII.

11 "In case the foregoing act or acts are
12 committed the above mentioned penal servitude and
13 the fine may be imposed simultaneously upon the
14 violator.

15 "Article XV. Persons, who have violated
16 the provisions of Article IV or pertaining to instru-
17 ments for opium-smoking with the object of selling,
18 shall be punished by penal servitude not exceeding
19 five years or a fine not exceeding five thousand
20 yuan.

21 "In the foregoing case the penal servitude
22 and the fine may be imposed simultaneously upon the
23 violator.

24 "Article XV--2. Persons who have violated
25 the provisions of Articles II, VI or IX shall be

1 punished by penal servitude not exceeding three
2 years or a fine not exceeding one thousand yuan.

3 "Article XVI. Attempted acts of crimes
4 described in the three preceding Articles shall be
5 punishable."

6 I read only that far.

7 I next offer in evidence defense document
8 No. 966, the revised Opium Regulations further
9 enforcing the Opium Law.

10 THE PRESIDENT: Admitted on the usual terms.

11 CLERK OF THE COURT: Defense document 966
12 will receive exhibit No. 2457.

13 (Whereupon, the document above re-
14 ferred to was marked defense exhibit No.
15 2457 and received in evidence.)

16 MR. BLAKENEY: Language Section, I am
17 going to read much less of this than you have marked.
18 I will tell you what I am reading. I start at the
19 beginning and read through Article V.

20 "Regulation Governing the Enforcement of
21 the Opium Law.

22 "Imperial Ordinance No. 112

23 "Promulgated November 30, 1932

24 "Revised several times since then

25 "Chapter I Opium Addicts

1 "Article I. The opium addicts, who,
2 requiring opium for bodily treatment, desire to
3 obtain the license mentioned in Article II of the
4 Opium Law, shall submit an application for the same
5 to the Police Office as designated by the Minister
6 of People's Welfare.

7 "Article II. In case a Police Office grants
8 the license mentioned in Article II of the Opium
9 Law, a certificate to that effect shall be issued
10 to the opium addict concerned.

11 "Article III. Opium addicts shall not
12 obtain opium or instruments for opium-smoking from
13 any one other than the Hsinking Special Municipality,
14 Municipalities, Hsien or Banner Governments or
15 licensed retail dealers.

16 "Chapter II. The Manufacture and Traffic
17 of Raw Opium, Prepared Opium and Instruments for
18 Opium-Smoking.

19 "Article IV. All raw and prepared opium
20 shall be transferred to the licensed addicts by the
21 proper Opium Monopoly Offices through the Hsinking
22 Special Municipality, Municipalities, Hsien or
23 Banner Governments or the licensed retail dealers.

24 "The instruments for opium-smoking shall
25 be transferred to the licensed addicts by the licensed

1 manufacturers of the said instruments through the
2 Hsinking Special Municipality, Municipalities, Hsien
3 or Banner Governments or the licensed retail dealers.

4 "Article V. The opium retail dealers and
5 the number and place of opium-smoking houses managed
6 by the Hsinking Special Municipality, Municipalities,
7 Hsien or Banner Governments shall be designated by
8 the Governor of the Province concerned. The man-
9 ufacturer of instruments for opium smoking shall be
10 designated by the Director of the Central Monopoly
11 Bureau."

1 I am now skipping to Article XII, of which
2 I shall read the first sentence -- I am sorry,
3 Article XI:

4 "Article XI. Retail dealers and manufacturers
5 of instruments for opium-smoking shall record in
6 their books on every occasion the kind, quantity, and
7 prices of the raw opium, prepared opium and instru-
8 ments for opium-smoking received and sold, together
9 with the date of each transaction, and the names and
10 addresses of the parties with whom transactions are
11 done."

12 I shall now read Articles XII through XIV:

13 "Article XII. The location and area for the
14 cultivation of poppy shall be determined annually by
15 the Director of the Central Monopoly Bureau.

16 "Article XIII. Any person who desires to
17 cultivate poppy shall annually apply for a permit,
18 submitting the following items, to their respective
19 Governors concerned. The same procedure shall be
20 required in case of alteration or discontinuance of
21 such cultivation.

22 "1. Name; address; Year and Date of Birth;

23 "2. Location of the Field for Cultivation;
24 its Area.

25 "Article XIV. A person who has obtained the

1 aforementioned permit for cultivating poppy shall erect
2 a wooden sign post in his field showing the area, name
3 and address of the owner."

4 I pass to Article XVII and shall read
5 Articles XVII and XVIII.

6 "Article XVII. The aforementioned opium
7 purchasing agents shall be named by the Director of
8 the Central Monopoly Bureau, who shall place a necessary
9 restriction on the number of such persons.

10 "Article XVIII. An opium purchasing agent
11 shall deliver the raw opium purchased by him during
12 the term and at the place designated by the Director
13 of the Central Monopoly Bureau."

14 The next passage to be read is on page 9,
15 Chapter V, Articles XXX through XXXII:

16 "Article XXX. Any person who violates the
17 provisions of Article VI or VIII shall be punished
18 by confinement or a fine not exceeding two hundred
19 yuan.

20 "Article XXXI. Any person who violates the
21 provisions of Article XI or XIV or XXV shall be
22 punished by confinement not exceeding one month or a
23 fine not exceeding one hundred yuan.

24 "Article XXXII. In case any person dealing
25 in opium or instruments for opium-smoking in accordance

1 with the provisions of the present Regulation or any
2 one permitted to cultivate poppy is found to have
3 committed dishonest acts in connection with his busi-
4 ness, he may be ordered to suspend his business, or
5 he may have his appointment or permit cancelled, or may
6 have his deposit money confiscated."

7 I now offer in evidence defense document
8 No. 637E, an excerpt from the Manchukuo Year Book, to
9 show the decline in acreage for legalized poppy grow-
10 ing following the introduction of the more stringent
11 opium growing regulations.

12 THE PRESIDENT: /mitted on the usual terms.

13 CLERK OF THE COURT: Defense document No.
14 637E will receive exhibit No. 2458.

15 (Whereupon, the document above
16 referred to was marked defense exhibit No.
17 2458 and received in evidence.)

18 MR. FLAKENEY: (Reading)

19 "Poppy.

20 "The largest poppy growing region in Manchukuo
21 is the province of Jehol. The government has decided
22 to curtail production of this crop and lately an
23 appreciable decline in the area under cultivation and
24 output has been effected. In 1937 poppy production
25 in the legalized areas amounted to 1,030,000 hectares,

1 fell to 700,000 hectares in 1938."

2 Then I omit reading the table except to point
3 out that the total area under poppy cultivation is
4 shown to have declined in 1938 thirty per cent from
5 the preceeding year.

6 Next I offer in evidence defense document
7 No. 188, being the 1937 narcotics law of Manchukuo.

8 THE PRESIDENT: Admitted on the usual terms.

9 CLERK OF THE COURT: Defense document
10 No. 188 will receive exhibit No. 2459.

11 (Whereupon, the document above
12 referred to was marked defense exhibit No.
13 2459 and received in evidence.)

14 MR. BLAKENEY: I read the title for
15 reference:

16 "The Narcotic Law of the Police Law.

17 "Promulgated on July 22, the 4th year of
18 Kang-teh (1937).

19 "Imperial Ordinance No. 215.

20 "Effective on and after September 14, the
21 same year."

22 I should like to pass over to Article II
23 which appears on page 3:

24 "Article II. Manufacture, importation or
25 sale of narcotics mentioned under Item 1 of the

1 preceding Article, shall be conducted by the Government.

2 "The matters which are necessary in connection
3 with manufacture, importation and sale of narcotics
4 mentioned under the preceding clause, shall be established
5 by an Imperial Ordinance."

6 Going to page 6, Article XII, I will read
7 Articles XII through XVI:

8 "Article XII. Narcotics shall not be used
9 for inhalation, eating, injection or any other purpose
10 except in the cases provided for under one of the
11 following:

12 "1. When physicians, dentists, veterinarians
13 or pharmacutists need them for professional purposes.

14 "2. When needed for prescriptions of physicians,
15 dentists or veterinarians.

16 "3. When used for scientific research.

17 "Article XIII. If a physician discovers any
18 addict to narcotics by medical examination, he shall
19 report as to the addict's name, age, sex, domicile,
20 and kind of narcotic, to the police station within
21 the jurisdiction of the clinic within ten days.

22 "Article XIV. In order to cure any narcotic
23 addict of his habit, the Minister in charge may take
24 necessary measures for him. The charge for expenses
25 for the measure taken in the preceding clause, shall

1 be determined by the Minister in charge.

2 "Article XV. In order to maintain supervision,
3 the Minister in charge may take necessary steps to deal
4 with those who deal in narcotics.

5 "Article XVI. The officials in charge may
6 enter manufactories, shops, or other places kept
7 by those who deal in narcotics and examine materials,
8 manufactured goods, machineries, tools, books, papers
9 and other matters or question the persons concerned."

10 Now I go to page 11, Article I of the
11 supplemental provisions, and I shall read Article I
12 through Article VI of these supplemental provisions:

13 "Article I. The manufacture, importation and
14 sale of narcotics in accordance with Article II of
15 the Narcotic Law, shall be conducted by the monopoly
16 offices.

17 "Article II. Narcotics are sold from the
18 monopoly offices to dealers in medical opium, thence
19 to physicians, dentists, veterinarians, pharmacutists
20 and those who have permission under Article III of
21 the Narcotic Law or those who intend to use narcotics
22 for scientific research.

23 "Article III. Narcotics shall be contained
24 in uniform receptacles and sealed by the monopoly
25 offices.

1 "Article IV. The sales agents of medical
2 opium and those who have the permit in accordance with
3 Article VIII of the Medicines Law shall open or repack
4 the receptacles of narcotics or break the seals.

5 "Those persons mentioned in the preceding
6 clause shall not sell the narcotics whose receptacles
7 have been opened or repacked or whose seals have become
8 null.

9 "Article V. The prices of narcotics shall
10 be regulated by the Director of the Monopoly Bureau.
11 (No. 489, the 4th year of Kang-teh (1937).

12 "Article VI. Any one who infringes the
13 provision under Article IV, shall be sentenced to
14 penal servitude of not more than 6 months or a fine of
15 not more than 500 yuan."

16 That concludes the reading of that document.
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1 As additional refutation of the charge made
2 by the prosecution in Section 5, Appendix A of the
3 Indictment that opium-monopoly profits were an im-
4 portant source of revenue for military expenditures,
5 I offer for identification the Special Budget of
6 the State Council of Manchoukuo for 1943 and offer
7 in evidence defense document No. 1031, an excerpt
8 therefrom, to show the income and expenditures of
9 the opium-monopoly system.

10 THE PRESIDENT: Admitted on the usual terms.

11 CLERK OF THE COURT: Defense document No.
12 1031 is marked exhibit 2460 for identification only,
13 and the excerpt therefrom, bearing the same docu-
14 ment number, will receive exhibit No. 2460A.

15 (Whereupon, defense document No.
16 1031 was marked defense exhibit No. 2460
17 for identification; and the excerpt there-
18 from was marked defense exhibit No. 2460A
19 and received in evidence.)

20 MR. BLAKENEY: Without reading the document,
21 I invite the attention of the Tribunal to the expendi-
22 tures for prohibition of opium smoking on page 2; for
23 guidance and teaching, also on page 2; and for propa-
24 ganda, medical treatment, houses of correction,
25 patients and guidance of the cured on the following

1 pages in accordance with some of the recommendations
2 of the League of Nations Commission of Enquiry
3 previously quoted. Otherwise, I refrain from read-
4 ing from the document.

5 In order to show that these profits of
6 the opium monopoly amounted to only one per cent of
7 the total budget, I offer for identification the
8 "General Budget of the State Council of Manchoukuo
9 for 1943," and offer in evidence an excerpt there-
10 from, defense document No. 1032, showing the total
11 budget of Manchoukuo.

12 THE PRESIDENT: Admitted on the usual terms.

13 CLERK OF THE COURT: Defense document No.
14 1032 will receive exhibit No. 2461 for identification
15 only; and the excerpt therefrom, bearing the same
16 document No., will receive exhibit No. 2461A.

17 (Whereupon, defense document No.
18 1032 was marked defense exhibit No. 2461
19 for identification; and the excerpt there-
20 from was marked 2461A and received in evi-
21 dence.)

22 THE PRESIDENT: The exhibit shows the total
23 budget for the year 1943 to be 1,055,000,000 yen or
24 yuan, in connection with which I point out that the
25 two preceding exhibits show the opium revenue of

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1 110,000,000 or approximately one per cent of the
2 total budget.

3 I now offer in evidence defense document
4 No. 963, being an affidavit of the witness NAMBA,
5 Tsunekazu, who will be examined by Mr. Williams.

6 * THE PRESIDENT: Isn't that ten per cent?

7 ** MR. BLAKENEY: Yes, ten per cent.

8 *** THE PRESIDENT: I called you back on that
9 percentage, Major Blakeney.

10 MR. G. WILLIAMS: If the Tribunal please,
11 at the suggestion of the Tribunal, and at the re-
12 quest of Japanese counsel, I shall read the affi-
13 davit of the witness NAMBA.

14 - - -

15 T S U N E K A Z U N A M B A , called as a witness
16 on behalf of the defense, being first duly
17 sworn, testified through Japanese interpreters
18 as follows:

19 DIRECT EXAMINATION

20 BY MR. G. WILLIAMS:

21 Q Will the witness tell the Tribunal his name
22 and residence?

23 A No. 12-4 Honsho-cho, Shinjiku, Tokyo, and
24 my name is NAMBA, Tsunekazu.

25 MR. G. WILLIAMS: May the witness be handed

*)
**) Corrections by President in Open Court
***) on 21 April 1947. See page 20,335.

1 110,000,000 or approximately ten per cent of the
2 total budget.

3 I now offer in evidence defense document
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5 Tsunekazu, who will be examined by Mr. Williams.

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7 at the suggestion of the Tribunal, and at the re-
8 quest of Japanese counsel, I shall read the affi-
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12 on behalf of the defense, being first duly
13 sworn, testified through Japanese interpreters
14 as follows.

15 DIRECT EXAMINATION

16 BY MR. G. WILLIAMS:

17 Q Will the witness tell the Tribunal his name
18 and residence?

19 A No. 12-4 Honsho-cho, Shinjiku, Tokyo, and
20 my name is NAMBA, Tsunekazu.

21 MR. G. WILLIAMS: May the witness be handed
22 defense document No. 963?

23 (Whereupon, a document was handed
24 to the witness.)

25 Q Will you examine that document and tell the

DIRECT

No. 963?

Whereupon, a document was handed
(titness.)

1 you examine that document and tell the
2 ether or not that is your affidavit?
3 t is my affidavit.

Are the contents thereof true and correct?

Yes, they are true and correct.

MR. G. WILLIAMS: We offer into evidence
se document No. 963, the affidavit of the wit-
NAMBA.

THE PRESIDENT: Admitted on the usual terms.

CLERK OF THE COURT: Defense document No.
63 will receive exhibit No. 2462.

(Whereupon, the document above re-
ferred to was marked defense exhibit No.
2462 and received in evidence.)

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NAMBA

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20,308

1 defense document No. 963?

2 (Whereupon, a document was handed
3 to the witness.)

4 Q Will you examine that document and tell the
5 Tribunal whether or not that is your affidavit?

6 A It is my affidavit.

7 Q Are the contents thereof true and correct?

8 A Yes, they are true and correct.

9 MR. G. WILLIAMS: We offer into evidence
10 defense document No. 963, the affidavit of the wit-
11 ness NAMBA.

12 THE PRESIDENT: Admitted on the usual terms.

13 CLERK OF THE COURT: Defense document No.
14 963 will receive exhibit No. 2462.

15 (Whereupon, the document above re-
16 ferred to was marked defense exhibit No.
17 2462 and received in evidence.)
18
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NAMBA

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1 Tribunal whether or not that is your affidavit?

2 A It is my affidavit.

3 Q Are the contents thereof true and correct?

4 A Yes, they are true and correct.

5 MR. G. WILLIAMS: We offer into evidence
6 defense document No. 963, the affidavit of the wit-
7 ness NAMBA.

8 THE PRESIDENT: Admitted on the usual terms.

9 CLERK OF THE COURT: Defense document No.
10 963 will receive exhibit No. 2462.

11 (Whereupon, the document above re-
12 ferred to was marked defense exhibit No.
13 2462 and received in evidence.)

1 MR. WILLIAMS: (Reading).

2 "I, NAMBA, Tsunekazu, swear on ny conscience
3 that the following statement is true to the best of my
4 knowledge and belief.

5 "I entered the Finance Ministry in 1924 right
6 after I had graduated from the political course of the
7 law department of the Imperial University of Tokyo.
8 In 1927 I was appointed the superintendent of the
9 Yokosuka Revenue Office, and in 1929, the superinten-
10 dent of the Kobe Revenue Office. About September or
11 October of 1932 while I was still in the service of
12 the Kobe Revenue Office as its chief, a request was
13 made by the Manchoukuo Government to select and dis-
14 patch an official who was best suited for the work in
15 the newly established Monopoly Bureau of that Govern-
16 ment. I was chosen by the Finance Ministry for the
17 post and after resigning from that office I left Japan
18 on January 2nd, 1933, arriving at Hsinking in Manchoukuo
19 on the 11th of the same month. I immediately assumed
20 the duties of my position as the Vice Director of the
21 Monopoly Bureau. At that time the office of the
22 Monopoly Bureau had already been opened but its organ-
23 ization was unfirished.
24

25 "A proclamation concerning the prohibition of
opium smoking had been issued by the Prime Minister.

NAMBA

DIRECT

1 The organization of the Monopoly Bureau as well as
2 the Opium Law had also been promulgated. The plan for
3 the setting-up of the Monopoly Bureau was ready but it
4 was not functioning satisfactorily speaking from the
5 practical point of view. To quote a hackneyed ex-
6 pression, the form was set up but it had no body to it.
7 The director of the Bureau was a Chinese by the name
8 of Chiang En-chin. Although he performed his duties
9 as the Director he was not very familiar with the
10 government work. Therefore, we made a thorough pract-
11 ical study of every measure before it was presented
12 to him for approval. In my position, I worked mostly
13 on the organization and operation of the Bureau.

14 "The organization and mode of operation of
15 the Monopoly Bureau were substantially as follows:
16 The Bureau was organized under the supervision of the
17 Minister of Finance of the Manchoukuo Government and
18 began its first operation mainly under the provisions
19 of the following ordinances. The Organization of the
20 Monopoly Bureau, the Opium Law, and the Regulations
21 Governing the Enforcement of the Opium Law, all of
22 which were promulgated in November 1932, as well as
23 the regulations concerning the purchase by the Govern-
24 ment of opium and the prohibition of private traffic
25 in opium.

NAMBA

DIRECT

1 "In the beginning it was intended that the
2 Monopoly Bureau should be a general monopoly to handle
3 other commodities besides opium, however, only opium
4 was handled for the first few years. It had its
5 Central Office established in Hsinking, with branch
6 offices or sub-branch offices in each city. At first
7 there were only five districts or branch offices but
8 at the time when Manchoukuo was divided into 16 pro-
9 vinces in 1937 there was an office in each province.
10 Poppy was cultivated in large quantities from olden
11 times in various districts in China, and the custom
12 of smoking opium was spread widely creating many ad-
13 dicts. The fundamental rule under the old regime in
14 Manchuria was to strictly prohibit, in principle,
15 the cultivation of opium by law. Therefore, the real
16 fact mentioned above was not fully appreciated by for-
17 eigners in general. However, the real practice was
18 to cultivate poppy secretly in various districts in
19 Manchuria and the illicit traffic in opium produced
20 in this manner was carried out very extensively.
21 Opium smoking was so widely spread that among families
22 in general there were very few homes belonging to the
23 middle class or upward where opium smoking was not
24 practiced to some extent. I found it rather unusual
25 to see people among the general public, especially

NAMBA

DIRECT

1 among labourers, to say nothing of so-called high
2 officials of the Government and leading business men
3 who did not know opium. I also discovered that this
4 very opium seemed to have been the greatest cause of
5 corruption among those in power such as Government
6 officials and soliders of every rank as well as in-
7 fluential business men, etc. For example, the illicit
8 sale of opium was practiced very widely all over Man-
9 churia was done through bribing the authorities con-
10 cerned. In the case of the secret cultivation of
11 poppy, it is not too much to say that the cultivation
12 was done under the protection of the local authorities
13 concerned, to whom a considerable sum of money was
14 offered in the name of a so-called tax. Under such
15 circumstances I though that the evil influence of
16 opium was, besides the poisonous effect brough out
17 by smoking, the vital factor in corrupting those people
18 in power.

19 "Especially, bandits, notorius outlaws of
20 Manchuria, depended upon the cultivation of poppy or
21 traffic in opium as the biggest resources of their
22 income. I was able to confirm the above facts when
23 I conducted a strict anti-opium cultivation campaign
24 throughout Manchoukuo.
25

"I, first of all. will give an outline of

1 among labourers, to say nothing of so-called high
2 officials of the Government and leading business men
3 who did not know opium. I also discovered that this
4 very opium seemed to have been the greatest cause of
5 corruption among those in power such as Government
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7 fluential business men, etc. For example, the illicit
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10 cerned. In the case of the secret cultivation of
11 poppy, it is not too much to say that the cultivation
12 was done under the protection of the local authorities
13 concerned, to whom a considerable sum of money was
14 offered in the name of a so-called tax. Under such
15 circumstances I thought that the evil influence of
16 opium was, besides the poisonous effect brought out
17 my smoking, the vital factor in corrupting those people
18 in power.

19 "Especially, bandits, notorious outlaws of
20 Manchuria, depended upon the cultivation of poppy or
21 traffic in opium as the biggest resources of their
22 income. I was able to confirm the above facts when
23 I conducted a strict anti-opium cultivation campaign
24 throughout Manchoukuo.
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my sev Generally speaking,
those irly addicted by opium
can r for several hours a day,
and labour. Whenever the opium
los ad to foot, even if several
tir a more opium and lie down.
Mc with any sort of narcotic, they,
o ally drift into taking heavier
than ever. At this stage they
out opium.
Manchoukuan policy toward opium was,
establish a strict prohibition principle
a policy of gradually decreasing opium,
to make a clean sweep of the long standing
him the shortest possible time following the
ishment of Manchoukuo. Let me enlarge further
this point. In prohibiting opium there are roughly
variety of methods. The first is absolute prohibi-
on. It may be called an immediate ban which is a
means of absolutely prohibiting people by law from
smoking opium and enforcing it by force. The second
is to prohibit people, on principle from smoking opium
by law but to allow addicts to smoke for the time being
and to get their number to decrease by degree. At the

NAMBA

DIRECT

1 the physiological ill effects of opium according to
2 my several years' observation. Generally speaking,
3 those who are judged to be fairly addicted by opium
4 can hardly bear office work for several hours a day,
5 and especially if manual labour. Whenever the opium
6 loses its effect from head to foot, even if several
7 times a day, they smoke more opium and lie down.
8 Moreover, as is usual with any sort of narcotic, they,
9 once addicted, gradually drift into taking heavier
10 and heavier doses than ever. At this stage they
11 cannot live without opium.

12 "The Manchoukuan policy toward opium was,
13 in a word, to establish a strict prohibition principle
14 based on the policy of gradually decreasing opium,
15 in order to make a clean sweep of the long standing
16 evil within the shortest possible time following the
17 establishment of Manchoukuo. Let me enlarge further
18 upon this point. In prohibiting opium there are roughly
19 two variety of methods. The first is absolute prohibi-
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9 once addicted, gradually drift into taking heavier
10 and heavier doses than ever. At this stage they
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16 evil within the shortest possible time following the
17 establishment of Manchoukuo. Let me enlarge further
18 upon this point. In prohibiting opium there are roughly
19 two variety of methods. The first is absolute prohibi-
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23 is to prohibit people, on principle from smoking opium
24 by law but to allow addicts to smoke for the time being
25 and to get their number to decrease by degree. At the

NAMBA

DIRECT

1 same time, every possible means should be employed,
2 of course, to prevent new addicts. And thus smokers
3 were expected to be exterminated in time whether
4 several years or decades hence. This may be called
5 the gradual-decrease-policy. In case of Manchoukue,
6 she adopted the latter.

7 The reason for this, briefly stated, was
8 as follows: In Manchuria, as aforementioned, this
9 evil practice was of long standing and prevailed in
10 general. Further, opium of good quality was produced
11 in every part of territory. It was all but impossible
12 to take the first measure under such conditions and,
13 even if enforced, its results would have been obvious.
14 Besides, resorting to a heartless and rigid policy
15 would have lead to aggravating corruption of govern-
16 ment officials, military men and influential persons
17 in general in the country. That is to say, if strict
18 control should be enforced in a country which had not
19 only a large number of smokers, unable to either work
20 or live without opium but also a great amount in pro-
21 duction, it would only prove to further smoking in
22 secret and blackmarketing. Accordingly, it would give
23 rise to political evils of increased incomes or sources
24 of incomes for lawless people. For fear of this, Man-
25 choukue adopted the latter. And regarding this, after

NAMBA

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2 of course, to prevent new addicts. And thus smokers
3 were expected to be exterminated in time whether
4 several years or decades hence. This may be called
5 the gradual-decrease-policy. In case of Manchoukuo,
6 adopted the latter.

7 The reason for this, briefly stated, was
8 as follows: In Manchuria, as aforementioned, this
9 evil practice was of long standing and prevailed in
10 general. Further, opium of good quality was produced
11 in every part of territory. It was all but impossible
12 to take the first measure under such conditions and,
13 even if enforced, its results would have been obvious.
14 Besides, resorting to a heartless and rigid policy
15 would have lead to aggravating corruption of govern-
16 ment officials, military men and influential persons
17 in general in the country. That is to say, if strict
18 control should be enforced in a country which had not
19 only a large number of smokers, unable to either work
20 or live without opium but also a great amount in pro-
21 duction, it would only prove to further smoking in
22 secret and blackmarketing. Accordingly, it would give
23 rise to political evils of increased incomes or sources
24 of incomes for lawless people. For fear of this, Man-
25 choukuo adopted the latter. And regarding this, after

1 we investigated the various opium treaties and the
2 systems of various states on the problem, we came to
3 the conclusion that the 'dimunition policy' was the
4 most appropriate to take, and even for this, to take a
5 method of establishing a stable system and by the
6 strength of the system to decrease gradually the number
7 of addicts. That is to say, we were convinced that
8 the best way was to establish a strict monopoly system
9 and to put entire Manchuria completely in the network
10 of a monopoly and to try to exterminate the taking
11 of opium gradually and steadily. Especially since
12 the monopoly system in Formosa had actually shown its
13 good results, and also since the purport of the Inter-
14 national Opium Agreement at Geneva in 1925 consisted of
15 this point. Now, in carrying this 'dimunition policy'
16 into effect, we set up a plan which was divided into
17 two periods. In the first period, we aimed at es-
18 tablishing a monopoly system. And one of the steps
19 was where we commenced registering the addicts in all
20 of Manchuria in order to learn their number as quickly
21 and as accurately as possible. Each addict was given
22 a government permit with which he was allowed to buy
23 opium from the Government. Of course, those who were
24 under age were not allowed to do so. But as for those
25 who were of age and deemed to be fairly addicted, we

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1 had them register according to their declaration
2 without making any strict investigations and laying
3 down rigid conditions. The reason why we did so was
4 because of our apprehension that if we should make a
5 strict investigation or lay down troublesome conditions,
6 they who were supposed to register might avoid it and
7 secretly continue to smoke opium forever. It would
8 be, we thought, more harmful; and if we could not make
9 out the number of addicts, we would never be able to
10 set up a definite monopoly policy. Thus, we were
11 even generous with the quantity of opium which they
12 were allowed to buy, first of all for the purpose of
13 making it easier for them to register and so that they
14 would be able to do so freely. Secondly, the basic
15 subject for us was rigid and thorough control over
16 secret poppy plantations. Opium is not bulky and a
17 small quantity is effective. Therefore, it is ex-
18 tremely difficult to control illicit sales and pur-
19 chases after it has become a product, while secret
20 plantations can be controlled easily as it is visible
21 to everyone during the several months while it is
22 being cultivated. Therefore, we decided to limit
23 the fields for plantations to a definite region and
24 to thoroughly control secret plantations. Once we
25 gave permission for cultivation we tried as hard as

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1 as possible to get the opium into the hands of the
2 Government as completely as possible, in order that
3 the opium product not fall into the hands of the
4 black market. Plantation fields were designated
5 by the chief of the Monopoly Office annually. The
6 cultivator was given a certificate of permission.
7 It was provided by laws and regulations that all
8 opium products were solely to be purchased by the
9 Local Monopoly Office, its branches, and special
10 purchasers designated by the Government. Thus we
11 made effort to purchase opium so that it would not
12 be sold illicitly.
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1 "Thirdly, was the prevention of illicit
2 sales and secret smoking of opium. As for illicit
3 sales, we carried out strict control through cus-
4 toms, railways and other routes and means over which
5 opium produced in the country and imported from
6 other countries would have to pass. Though the
7 Department of Civil Administration was essentially
8 responsible for the general enforcement of the Opium
9 Law, I had hundreds of special supervisors under my
10 direct control in order to prevent violation of the
11 regulations concerning the cultivation, smoking, sell-
12 ing, dealing and transportation of opium, and to check
13 the loading of opium into trains or other transpor-
14 tation facilities. In the earlier period of the
15 opium monopoly system, big offenders were arrested,
16 but there were, I think, a considerable number of
17 those who escaped the 'net' of the control also. Of
18 course, such controls had a close relationship with
19 the general condition of public order. In Manchuria
20 where the land is vast and transportation inconven-
21 ient, thorough controls were not carried out during
22 periods when public order was inadequate. Then,
23 there were those who had not registered and yet
24 smoked at will. Needless to say, we placed them
25 under control. But the control of secret smokers

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1 was more difficult and troublesome than that of
2 secret sales and purchases mentioned above. Because
3 if thorough control was to be carried out, it could
4 not be done thoroughly without interfering with
5 every individual home. However, it would rouse the
6 people's dissatisfaction and antipathy to go so far,
7 and in the earlier period it was rather advisable
8 not to investigate strictly to such an extent. There-
9 fore, stress was placed on secret opium smoking es-
10 tablishments namely special shops for smoking opium
11 in secret. These were placed under thorough con-
12 trol from the beginning.

13 'At this time I heard many people blaming
14 us for opium smoking having come to be allowed open-
15 ly since Manchoukuo was founded. The cause was as
16 follows: There had been many secret opium smoking
17 houses in every city. All of them were suppressed
18 and replaced by a few retail shops. On the grounds
19 that addicts would suffer if all were simultaneously
20 suppressed, public retail shops were established --
21 several in such large cities as Mukden and about
22 one or two in the smaller cities. And there opium
23 smoking was allowed with sanction for the addicts.
24 Those scenes at the public retail shops, no matter
25 how few, attracted the general travelers' attention

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1 whereas secret smoking, no matter how many, did not.
2 That was the reason why such criticisms sometimes
3 occurred. Short tempered people who did not really
4 comprehend the spirit involved in the first period
5 policy which aimed at gradual prohibition of the
6 smoking were apt to ensure the policy, picking up
7 only its aspect of official permission for smoking.
8 But such blames were irresponsible and emotional
9 criticisms made by those who did not understand the
10 true state of things. Thus, in this manner, when
11 the opium monopoly system had been fairly well es-
12 tablished, elimination of those elements making
13 profit on opium was next attempted. At first, all
14 Menchuria was divided into several sections, and in
15 each of which an opium wholesaler was set up. The
16 Monopoly Local Offices or the Branch Offices which
17 had bought opium distributed the opium for the use
18 of registered addicts at first to the wholesalers
19 who distributed it, then to the many retailers in
20 the sections assigned to them. A channel of distri-
21 bution like this was unavoidable in the earlier
22 period of the monopoly system, but it was not ad-
23 visable forever. In 1934, when the monopoly system
24 was gradually nearing completion, the wholesalers
25 were removed and the monopoly offices sold opium

1 directly to the retailers to prevent misuse. Fur-
2 there, as the local administrations advanced suf-
3 ficiently as many as possible retailing organs were
4 transferred to the local administrative organiza-
5 tions, and finally all the retailers were eliminated.
6 As for the control of the smoking itself, too, the
7 more the monopoly system developed, the stricter it
8 became. Formerly, applications for smoking were
9 approved by the police without full investigation,
10 but in the next stage it was made necessary to sub-
11 mit a doctor's certificate and the quantity of opium
12 to be used limited. But those measures were taken
13 after I resigned in 1937."

14 THE PRESIDENT: This is a convenient
15 break. You are about to proceed now to the culti-
16 vation of the poppy.

17 We will adjourn until half-past nine on
18 Monday morning.

19 (Whereupon, at 1600, an adjourn-
20 ment was taken until Monday, 21 April
21 1947 at 0930.)
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